HOUSE OF REPRESENTATIVES—*Monday, July 29, 1996*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. COBLE].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 29, 1996.

I hereby designate the Honorable HOWARD COBLE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS] for 5 minutes.

NO MORE GOVERNMENT SHUTDOWNS

Mr. GEKAS. Mr. Speaker, no more Government shutdowns. That seems like a silly warning in the middle of the summer, when the end of the fiscal year still is 2 months ahead of us. The fiscal year, as everyone knows, for the Congress of the United States, for the Government of the United States, ends on September 30. If indeed there be no budget enacted by that date, then the next day the Government has to shut down, unless one of two things could occur: One, a full budget would be passed in the last hours so that a new budget would be in place on the first day of the new fiscal year, October 1; or the Congress, in its wisdom, along with an agreement from the White House to issue a temporary funding stream to allow the negotiators more time to bring about a full budget, would enter into a continuing resolution, a temporary funding mechanism, from October 1, to, let us say, November 1, giving another month to the negotiators to bring about what we all hope would be the case, a full budget for the next fiscal year.

But what has happened quite often, especially in the last year, and dating way back to 1985, in my own experience in the Congress, the Congress has failed to bring about a budget by September 30, and has had to indulge in these temporary funding measures. At the end of each one of those, when there is a breakdown in negotiations, then there occurs the threat of a Government shutdown or an actual shutdown.

Let me give you the most egregious example of what occurred when, in one previous session, the Congress failed to bring about a budget by September 30.

Our youngsters, the members of the Armed Forces in that era, 1991, were gathering in the deserts of the Middle East under Desert Shield, the deployment of our troops in preparation for Desert Storm.

In December 1990, they were all gathered, 300,000 or 400,000 strong, our young men and women, our fellow citizens, our Armed Forces, and in the middle of their preparation to do battle with the forces of Saddam Hussein, there was a Government shutdown.

Now, is that not a sad thing to contemplate, to have the Armed Forces ready to do battle, and their Government, our country, shuts down its Government?

This did not deter them, this event back home, from continuing to gear up for the eventual battle. But the point is, how can we as a people and Congress continue to sustain the threat of a Government shutdown, for any purpose? Not only does it look awful, and it is awful, but then there are payless paydays for people who work for the Federal Government, there is the threat of Social Security checks and veterans benefits and other matters on which fellow citizens rely which would come to a sleekening halt, or special measures would have to take place to do them.

Anyway, we have to end Government shutdowns. Now, I have proposed, since 1988 I believe, almost every year, and I have gone before the relevant committees to discuss this issue, and I came up with a proposal. My fear is that it will not pass because it makes common sense, but I am going to keep trying.

Here is the way this works: If on September 30, the end of the fiscal year, there is no new budget in place, then on October 1, the next day, automatically under my proposal there would be reenacted and will come into play last year's budget automatically, until a new budget can be enacted.

That means that there will never be a Government shutdown as long as we operate in the Congress of the United States. Because even if they enter into a continuing resolution, the temporary funding mechanism, at the end of that period, if they still have not produced a budget, where today we would have the threat of a Government shutdown, we would have an instant replay of the then current temporary funding measure, thus Government would go on until the budget is put into its final face.

That is what I have proposed. Now, there are some questions. Does this rob the appropriators, the people whose job it is to produce the appropriations bills, to have them signed by the President? We think not.

Mr. Speaker, it is time to end Government shutdowns.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3540. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3540) "An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes," requests a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCONNELL, Mr. SPECTER, Mr. MACK, Mr. JEFFORDS, Mr. GREGG, Mr. SHELBY, Mr. BENNETT, Mr. HATFIELD, Mr. LEAHY, Mr. INOUYE, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, and Mr. BYRD to be the conferees on the part of the Senate.

TAX LEGISLATION FOR THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized during morning business for 5 minutes.

Ms. NORTON. Mr. Speaker, I have put in a unique remedy for a catastrophic financial crisis in the District of Columbia. Questions have been raised about it. I think I and the people I represent are due the courtesy of a

moratorium on off-the-cuff conclusions about the bill until they are fully briefed.

The reasons, of course, for my bill, for a tax cut for the District, lie in the unique disadvantages of the city and the unique remedy it will take to solve them.

We lost more residents in the first half of the 1990's than we did in the entire 1980's. Perhaps we share that in common with other cities, but virtually nothing else. Uniquely, we have no way to recoup revenue when we lose people.

Leon Panetta, a personal friend and a friend of the District, spoke on television yesterday about my bill. In virtually every respect he was way off the mark. For example, Leon said congresspeople would be able to get this tax cut. They do not pay D.C. income taxes. The law requires them to be citizens of their own States.

Imagine the pain in my District when they heard opposition to a tax cut to the District because it would be unfair to other cities. I never would have put the tax cut bill in in the first place if we had a State like other cities. We are the only city in the United States which has State responsibilities and State costs, and no State. Seventy-five percent of the money that big cities get, they get from external sources, such as State aid.

I do not oppose Mr. Panetta's notion that we ought to have some tax-based remedy for other cities. I welcome it. I would be thrilled. But do not hang a bunch of unique responsibilities around our necks and then say when it comes to relief, the same relief must go to those who do not have those unique responsibilities.

There are four reasons, briefly, why I have put this bill in. We are the only city required to pay for State, county, and municipal functions. That means that we pay for Medicaid. Thirty-seven States get a greater Federal contribution for Medicaid than the District of Columbia.

We are the only city with no State to recycle income from wealthier areas. Detroit has Michigan, Mr. Panetta. New York City has New York State. We have nobody.

We are the only city barred by Congress from a commuter tax, and commuters take two-thirds of the revenue out, use our services, and leave nothing, not one thin dime in tax revenue.

Finally, my constituents were particularly pained because apparently no notice has been taken of the fact that we are second per capita in Federal income taxes, with no full voting representation in the House or the Senate. Four territories, which have the same delegate to Congress as the District has, have paid no, I repeat, no Federal income taxes.

Yes, I have asked for a unique remedy, because there are unique responsibilities. If you want to enlarge that to include the other great cities of the United States, be my guest. It would be magnificent.

Finally we would get an urban policy. The Control Board that Congress has set up is not reviving the economy of the District. It is in fact reviving the government of the District. But taxpayers are leaving at such a rate that your Capital of the United States is dissolving as I speak, and nobody, not the administration, and not soon enough the Congress, is stepping up to save it in time.

It will be too late 3 years from now. If there is to be a tax cut, let it be now, so there be time for it to kick in. If not a tax cut, then I challenge Mr. Panetta and every Member of this body to come up with a remedy during this session.

It is your Capital City. It may be my home as a fourth generation Washingtonian, but 200 years ago, you set up the Capital of the United States and you gave it special and peculiar disabilities. Are you going to let if go out of existence? Are you going to treat Washington, DC, less than England would treat London? Are you going to treat Washington, DC, less than France would treat Paris?

Do not compare the District of Columbia to Detroit, New York, Atlanta, or San Francisco, unless you give the people I represent the same citizenship rights and the same aid that those cities get. This is your Capital. Treat it as your Capital. Do not leave us stranded, swinging in the breeze, by the neck.

COMMENTS ON WELFARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Ohio [Mr. HOKE] is recognized during morning business for 5 minutes.

Mr. HOKE. Mr. Speaker, I want to thank the gentlewoman from the District of Columbia. I think she is absolutely right, and I think that it is time that we try a different approach with the District. We have seen a failed policy of liberalism that has brought this District to what it is, and I think it is absolutely appropriate that at this time in the District's history, we should take advantage of the situation that we have here, and we should do something that is opportunity-oriented, that is incentive-oriented, using a different approach, and see what the results will be. I am absolutely confident that the results that the gentlewoman is looking for will in fact come about, and I am going to support her in her efforts. I appreciate the courage that the gentlewoman has taken to undertake this.

Mr. Speaker, I want to speak about the welfare bill that we dealt with last week. I want to start out, I came across a number of I think fascinating quotations from the State of the Union address in 1935 by Franklin D. Roosevelt. I want to read some of those to you.

Mr. Roosevelt said:

The lessons of history confirmed by the evidence immediately before me show conclusively that continued dependence upon relief induces a spiritual and moral disintegration, fundamentally destructive to the national fiber. To dole out relief in this way is to administer a narcotic, a subtle destroyer of the human spirit. It is inimical to the dictates of sound policy. It is in violation of the traditions of America. The Federal Government must and shall quit this business of relief.

This is Franklin Roosevelt in 1935. He goes on to say, "In the days before the Great Depression, people were cared for by local efforts."

Listen to this carefully. It sounds as though it was written for a speech for the new majority's welfare plan of 1996. Specifically the idea of sending power out of this city and back to States, communities, localities, churches, synagogues, et cetera.

He says:

In the days before the Great Depression, people were cared for by local efforts, by states, by counties, by towns, cities, by churches, and by private welfare agencies. It is my thought that in the future they must be cared for as they were before. I stand ready through my personal efforts and through the public influence of the office that I hold, to help these local agencies to get the means necessary to assume this burden.

Are you listening, President Clinton?

Local responsibility can and will be resumed for, after all, common sense tells us that the wealth necessary for this task existed and still exists in the local community, and the dictates of sound administration require that this responsibility be in the first instance a local one.

John F. Kennedy echoed these fundamental insights into human nature in 1962 when he said, "No lasting solution to the problem of poverty can be bought with a welfare check."

Finally, in 1931, President Roosevelt said, "The quicker that a man or woman is taken off the dole, the better it is for them during the rest of their lives."

Over four decades ago we launched a war on poverty with the best of intentions. But $5.5 trillion later we have nothing to show put poverty, despair, hopelessness, broken families, and a damaged work ethic. We have ignored the basic law of nature, that when someone is given handout after handout after handout, without having something demanded in return, he or she is condemned to a lifestyle of dependency and the loss of personal dignity and self-worth.

Not surprisingly, this is also the root of a similar problem at the opposite end of the economic spectrum, children spoiled by affluent parents who shower them with material goods, but require nothing in return. This is literally the essence of what it means to spoil a

child. Yet there are also millions of middle class parents everywhere in America who require their children to clean their rooms, make their beds, complete their homework, and do daily chores in exchange for a modest allowance. This teaches responsibility, an understanding that money is given in exchange for work, and it bonds a child to his or her family in a relationship of mutual commitment and responsibility.

Congress has just passed a plan that tries to apply the kind of tough love, common sense approach to welfare reform that Americans know is morally right and have said that they want. The plan is based on the simple proposition that welfare recipients should work for their benefits, just like you work to support your family and to pay your taxes.

It also recognizes that there will be no real welfare reform without tackling the appalling problem of illegitimacy. Fully one in every three American babies is born out of wedlock today.

So I ask the Speaker to commend to the attention of the President this bill. I hope that he signs it. I hope it becomes law. It will clearly bode well for the future of our country going into the 21st century.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until 2 p.m.

Accordingly (at 12 o'clock and 49 minutes p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CALVERT) at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Protect us, O gracious God, all the day long until the shadows lengthen and the light is gone and we are alone. Remind us that we never walk the path of life alone or go through the valley by ourselves, but Your spirit leads and guides, Your strong arm is our strength, and Your grace is abundant for our every need. We place our prayers before You, O God, asking that You would bless us this day and direct us in the way of truth and peace and grace. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California [Mr. MOORHEAD] come forward and lead the House in the Pledge of Allegiance.

Mr. MOORHEAD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, July 30, 1996.

REPEALING OF PROVISION OF UNITED STATES CODE RELATING TO FEDERAL EMPLOYEES CONTRACTING OR TRADING WITH INDIANS

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3215) to amend title 18, United States Code, to repeal the provision relating to Federal employees contracting or trading with Indians.

The Clerk read as follows:

H.R. 3215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FEDERAL EMPLOYEES CONTRACTING OR TRADING WITH INDIANS

(a) REPEAL.—Section 437 of title 18, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 23 of title 18, United States Code, is amended by striking the item relating to section 437.

(c) EFFECTIVE DATE.—The repeal made by subsection (a) shall—

(1) take effect on the date of enactment of this Act; and

(2) apply with respect to any contract obtained, and any purchase or sale occurring, on or after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3215.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3215 which repeals a provision of the Criminal Code, 18 U.S.C. 437, that prohibits certain Federal employees from contracting or trading with American Indians. The gentleman from Arizona, Mr. J.D. HAYWORTH, introduced H.R. 3215 on March 29, 1996.

Section 437 prohibits employees of the Bureau of Indian Affairs and the Indian Health Service from entering into contracts with American Indians for the purchase, transportation, or delivery of goods or supplies for any American Indian. It further prohibits these employees from engaging in any purchase or sale of services or property from or to any American Indian. Because these provisions prohibit any of these transactions in any case in which the Federal employee appears to benefit, they effectively bar any such transaction with a family member of the Federal employee. A violation of this section is punishable by a fine or imprisonment of up to 6 months.

Section 437, first passed in the 1800's, was enacted to prevent Federal employees who are involved in administering programs to assist American Indians from taking advantage of those they are supposed to be helping. While it was well-intentioned when passed, today it is outdated and no longer necessary. In addition, the section has the perverse effect of making it harder for the Indian Health Service to recruit and retain good medical employees for remote reservations because those employees' spouses are prohibited from trading with the local Indians.

In 1980, Congress amended this statute to allow the executive branch to provide, by regulation, for exceptions to the general prohibition on trading. Because H.R. 3215 will repeal the authority under which these regulations were promulgated, they should be repealed if this bill is enacted. As a practical matter, these regulations providing for exceptions will no longer be necessary nor effective because the general prohibition will no longer exist. However, I want to make it clear that this repeal should not be construed to prejudice any person who has lawfully acted in reliance on those regulations. I also want to make it clear that even though we are repealing section 437, and thereby rendering the regulations providing for exceptions unnecessary, all other applicable general standards of ethical conduct for these Federal employees remain in effect.

Similar legislation passed the other body on October 31, 1995, as part of a broader package of technical amendments to laws relating to Indians—S.

325. The package passed by unanimous consent. Last week, the Committee on Indian Affairs in the other body by voice vote ordered favorably reported S. 199, a separate bill that addresses only the repeal of section 437. The Department of the Interior, of which the Bureau of Indian Affairs is a part, testified in favor of the repeal of section 437 at hearings on S. 325. I am informed that the Department of Health and Human Services, which includes the Indian Health Service, is in favor of repeal of section 437. I am also informed that the Navajo Nation and the Hopi Tribe are in favor of this legislation. I do not have any reason to believe that any other American Indian groups oppose this bill. I urge all Members to support this worthy legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the bill.

Mr. Speaker, this bill enjoys bipartisan support. The current law prohibits employees from the Bureau of Indian Affairs and the Indian Health Service from entering into contracts with Indians or their families for the purchase, transportation or delivery of goods or services. It also prohibits these employees from engaging in any purchase or sale of services with the property of any Indian.

When first passed in the 1980's, the legislation was designed to prevent Federal employees who were involved in administering programs to help Indians from taking advantage of the Indians they were supposed to be helping.

While it was well-intentioned when passed, today the law appears to be outdated and has the negative effect of making it harder for Indian Health Services to recruit and retain good medical employees for remote reservations because those employees' spouses are prohibited from trading with local Indians.

Mr. Speaker, passing this bill will not diminish in any way the ethnical standards because the people involved will still be covered by all of the ethics in Government regulations. The counterpart legislation passed the Senate by unanimous consent last year, and I urge Members to support the measure.

Mr. HAYWORTH. Mr. Speaker, I would like to take this opportunity to thank the distinguished chairman and ranking member of the House Judiciary Committee for their assistance in moving H.R. 3215 through the legislative process.

As my colleagues may know, the Trading with Indians Act was originally enacted in 1834, and at that time it served an important purpose: to ensure that Federal employees did not improperly influence native Americans. However, today this law is unnecessary and unproductive. It establishes a prohibition against commercial trading with native Americans by employees of the Indian Health Service [IHS] and Bureau of Indian Affairs [BIA]. In many cases, this prohibition also extends to transactions undertaken by the spouse of a Federal employee.

The penalties for violations include a fine of not more than $5,000, or imprisonment for not more than 6 months, or both. The act further provides that any employee who is found to be in violation should be terminated from Federal employment.

Enforcement of this outdated law has caused great difficulties for many native American families. It has also made it more difficult for IHS and BIA to retain quality Federal employees in certain facilities located on remote parts of reservations.

Both Health and Human Services Secretary Donna Shalala and Interior Assistant Secretary Ada Deer have expressed support for repealing the Trading with Indians Act. The Senate has already approved legislation which includes language identical to H.R. 3215. Both the Navajo Nation and the Hopi Tribe support passage of the bill. In fact, I am not aware of any opposition to H.R. 3215.

Repeal of the Trading with Indians Act is long overdue. Passage of H.R. 3215 would benefit numerous native American families, and I hope that my colleagues will join me in supporting this commonsense legislation.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the bill, H.R. 3215.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CODIFYING WITHOUT SUBSTANTIVE CHANGE LAWS RELATED TO TRANSPORTATION

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2297) to codify without substantive change laws related to transportation and to improve the United States Code, as amended.

The Clerk read as follows:

H.R. 2297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE 18, UNITED STATES CODE.

Section 2721(b) of title 18, United States Code, is amended as follows:

(1) In the matter before clause (1), strike "the Automobile Information Disclosure Act, the Motor Vehicle Information and Cost Saving Act, the National Traffic and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act" and substitute "titles I and IV of the Anti Car Theft Act of 1992, the Automobile Information Disclosure Act (15 U.S.C. 1231 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and chapters 301, 305, and 321–331 of title 49".

(2) In clause (9), strike "the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2710 et seq.)" and substitute "chapter 313 of title 49".

SECTION 2. TITLE 23, UNITED STATES CODE

In the catchline for section 103(e)(4)(L) of title 23, United States Code, strike "FTA" and substitute "CHAPTER 53 OF TITLE 49".

SECTION 3. TITLE 28, UNITED STATES CODE.

In section 1445(a) of title 28, United States Code, strike "sections 51–60 of Title 45" and substitute "section 1–4 and 5–10 of the Act of April 22, 1908 (45 U.S.C. 51–54, 55–60)".

SECTION 4. TITLE 31 UNITED STATES CODE.

Title 31, United States Code, is amended as follows:

(1) In section 1105(a), redesignate clauses (27) through the end as clauses (26) through the end.

(2) Section 9101 is amended as follows:

(A) Clause (2)(J) is repealed.

(B) Redesignate clauses (2)(K) through the end as clauses (2)(J) through the end.

(C) In clause (3)(B), strike "Fund;" and substitute "Fund.".

(D) Clause (3)(N), as added by section 902(b) of the Energy Policy Act of 1992 (Public Law 102–486, 106 Stat. 2944), is redesignated as clause (3)(O).

SECTION 5. TITLE 49, UNITED STATES CODE.

Title 49, United States Code, is amended as follows:

(1) In section 106(b), strike "the date of the enactment of this sentence" and substitute "August 23, 1994,".

(2) In section 111(b)(4) and (g), strike "the date of the enactment of this section" and substitute "December 18, 1991".

(3) Section 329 is amended as follows:

(A) In subsection (b)(1), strike "(as those terms are used in such Act)" and substitute "(as that term is used in part A of subtitle VII of this title)".

(B) In subsection (d), strike "that Act" and substitute "that part".

(4) In section 521(b)(1)(B), strike "the date of enactment of this subparagraph" and substitute "November 3, 1990".

(5) Section 701(b)4) is amended as follows:

(A) Strike "the effective date of this section" and substitute "January 1, 1996".

(B) Strike "the date of the enactment of the ICC Termination Act of 1995" and substitute "December 29, 1995,".

(6) In section 702, strike "the effective date of such Act" and substitute "Janaury 1, 1996".

(7) In section 726(a), strike "the date of enactment of the ICC Termination Act of 1995" and substitute "December 29, 1995".

(8) In section 5116(j)(4)(A), strike "subsection (g)" and substitute "section 5115 of this title".

(9) In section 5119(b)(2), 5309(g)(1)(B) and (m)(3), 5328(b)(3), 5334(b)(1), 5335(b)–(d), 3113(c)(1)(B) and (C) and (2), 40112(e)(2), 41105(b), 41310(f), 41714(e)(2), 42104(b), 44506(d), 44913(a)(2), 47107(k), 48102(d)(2), and 48109, strike "Public Works and Transportation" and substitute "Transportation and Infrastructure".

(10) Section 5303 is amended as follows:

(A) In subsection (f)(2), strike "subsection (e)" and substitute "subsection (b)".

(B) In subsection (h)(4), strike "section 5338(g)(1)" and substitute "section 5338(g)".

(11) Section 5307 is amended as follows:

(A) In subsection (a)(2)(A), strike "title;" and substitute "title; or".

(B) In subsection (a)(2)(B), strike "transportation; or" and substitute "transportation.".

(C) Strike subsection (a)(2)(C).

(12) Section 5309 is amended as follows:

(A) In subsection (a)—

(i) insert "(1)" before "The Secretary";
(ii) redesignate clauses (1)—(7) as clauses (A)—(G), respectively;
(iii) redesigate subclauses (A) and (B) as subclauses (i) and (ii), respectively; and
(iv) insert at the end the following:
"(2) The Secretary of Transportation shall require that all grants and loans under this subsection be subject to all terms, conditions, requirements, and provisions the Secretary decides are necessary or appropriate for the purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section.".
(B) In subsection (e)(4)(B), strike "paragraph (1)(B)" and substitute "paragraph (2)".
(C) In subsection (m)(1)(A), insert "rail" before "fixed guideway modernization".
(13) Section 5315(d) is amended by striking "5304 and 5306" and substituting "5307 and 5309".
(14) Section 5317(b)(5) is amended as follows:
(A) In subparagraph (C), strike "under this paragraph" and substitute "under subparagraph (B) of this paragraph".
(B) In subparagraph (D), strike "(except this paragraph)".
(15) Section 5323(b)(1), (c), and (e) is amended by striking "(except section 5307)" wherever it appears.
(16) The catchline for section 5325(d) is amended by striking "MANAGEMENT, ARCHITECTURAL, AND ENGINEERING CONTRACTS." and substituting "ARCHITECTURAL, ENGINEERING, AND DESIGN CONTRACTS.".
(17) Section 5327(c) is amended by striking "to carry out a major project under section 5307" and substituting "to carry out a major project under section 5309".
(18) In section 5335(d)(2)(B), strike "With" and substitute "with".
(19) Section 5336(b)(2) is amended as follows:
(A) In subparagraphs (A) and (B), add at the end the following: "An urbanized area with a population of at least 750,000 in which commuter rail transportation is provided shall receive at least .75 percent of the total amount apportioned under this subparagraph.".
(B) Strike subparagraph (C).
(C) Redesignate subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.
(20) Section 5338(g)(2) is amended by striking "section 5308(b)(2)" and substituting "section 5311(b)(2)".
(21) In section 10501(c)(3)(B), strike "the effective date of the ICC Termination Act of 1995" and substitute "January 1, 1996".
(22) In section 10701(d)(3), strike "the effective date of this paragraph" and substitute "January 1, 1996".
(23) In section 10704(d), srike "the effective date of the ICC termination Act of 1995" and substitute "January 1, 1996".
(24) In sections 10706(a)(5)(C) and 10709(e), strike "the effective date of the Staggers Rail Act of 1980" and substitute "October 1, 1980,".
(25) In sections 11101(f) and 11301(f), strike "the effective date of the ICC Termination Act of 1995" and substitute "January 1, 1996".
(26)(A) The heading for part B of subtitle IV is amended to read as follows:

"PART B—MOTOR CARRIERS, WATER CARRIERS, BROKERS, AND FREIGHT FORWARDERS".

(B) The heading for chapter 131 as amended to read as follows:

"CHAPTER 131—GENERAL PROVISIONS".

(27) Section 13102 is amended as follows:
(A) In clause (4)(A), strike—
(i) "The effective date of this section" and substitute "January 1, 1996"; and
(ii) "the day before the effective date of this section" and substitute "December 31, 1995".
(B) In clause (4)(B), strike "on or after such date" and substitute "after December 31, 1995".
(28) Section 13703 is amended as follows:
(A) In subsection (e), strike—
(i) "the day before the effective date of this section" and substitute "December 31, 1995,"; and
(ii) "such effective date" and substitute "January 1, 1996".
(B) In subsection (f)(2), strike "the day before the effective date of this section" and substitute "December 31, 1995".
(29) Section 13709 is amended as follows:
(A) In subsection (a)(1) and (3), strike "the day before the effective date of this section" and substitute "December 31, 1995".
(B) In subsection (e), strike—
(i) "the effective date of this section" and substitute "January 1, 1996"; and
(ii) "the day before such effective date" and substitute "December 31, 1995".
(30) Section 13710 is amended as follows:
(A) In subsection (a)(4), strike "the effective date of this section" and substitute "January 1, 1996,".
(B) In subsection (b), strike—
(i) "the day before the effective date of this section" and substitute "December 31, 1995"; and
(ii) "the effective date of this section" and substitute "January 1, 1996,".
(31) Section 13711 is amended as follows:
(A) In subsection (a), strike—
(i) "or, before the effective date of this section" and substitute "or, before January 1, 1996";
(ii) "the day before the effective date of this section" and substitute "December 31, 1995"; and
(iii) "provided before the effective date of this section" and substitute "provided before January 1, 1996".
(B) In subsection (d), strike—
(i) "the effective date of this section" and substitute "January 1, 1996"; and
(ii) "the day before such effective date" and substitute "December 31, 1995".
(C) In subsection (g), strike "the effective date of this section" and substitute "January 1, 1996".
(32) Section 13902 is amended as follows:
(A) In subsection (b)(8)(A)—
(i) insert "and" after "(iv) any Indian tribe,";
(ii) strike "and" after "clause (i), (ii), (iii), or (iv),"; and
(iii) strike "the effective date of this subsection" and substitute "January 1, 1996,".
(B) In subsection (b)(8)(B), strike "the effective date of this paragraph" and substitute "January 1, 1996,".
(C) In subsections (c)(4)(A) and (d)(1)(A) and (2), strike "the day before the effective date of this section" and substitute "December 31, 1995".
(33) In section 13905(a), strike "the day before the effective date of this section" and substitute "December 31, 1995".
(34) In section 13906(d), strike "the effective date of this section" and substitute "January 1, 1996,".
(35) Section 13907(e) is amended as follows:
(A) In clause (1), strike "the day before the effective date of this section" and substitute "December 31, 1995".
(B) In clause (2), strike "the day before such effective date" and substitute "December 31, 1995".
(36) Section 13908 is amended as follows:
(A) In subsection (d)(1), strike "the day before the effective date of this section" and substitute "December 31, 1995".
(B) In subsection (e), strike "the effective date of this section" and substitute "January 1, 1996".
(37) Section 14302 is amended as follows:
(A) In subsection (c)(4), strike "the effective date of this section" and substitute "January 1, 1996".
(B) In subsection (g), strike "the effective date of this section" and substitute "January 1, 1996,".
(C) In subsection (h)(1), strike "the day before the effective date of this section" and substitute "December 31, 1995".
(D) In subsection (h)(2), strike "the day before such effective date" and substitute "December 31, 1995".
(38) In sections 14706(g)(3) and 14708(g), strike "the effective date of this section" and substitute "January 1, 1996".
(39) In section 14709, strike—
(A) "the effective date of this section" and substitute "January 1, 1996"; and
(B) "the day before the effective date of this section" and substitute "December 31, 1995".
(40) The heading for part C of subtitle IV is amended to read as follows:

"PART C—PIPELINE CARRIERS".

(41) In the analysis of chapter 151, strike—

"CHAPTER 151—GENERAL PROVISIONS".

(42) In the analysis of chapter 153, strike—

"CHAPTER 153—JURISDICTION".

(43) The analysis and subchapter headings of chapter 157 are amended as follows:
(A) The analysis of chapter 157 is amended as follows:
(i) Strike—

"CHAPTER 157—OPERATIONS OF CARRIERS".

(ii) Strike—

"SUBCHAPTER A-GENERAL REQUIREMENTS

and substitute—

"SUBCHAPTER A—GENERAL REQUIREMENTS".

(iii) Strike—

"SUBCHAPTER B—OPERATIONS OF CARRIERS"

and substitute—

"SUBCHAPTER B—OPERATIONS OF CARRIERS".

(B)(i) The heading for subchapter A is amended to read as follows:

"SUBCHAPTER A—GENERAL REQUIREMENTS".

(ii) The heading for subchapter B is amended to read as follows:

"SUBCHAPTER B—OPERATIONS OF CARRIERS".

(44) Section 15701(e) is amended by striking "the effective date of this section" and substituting "January 1, 1996".
(45) The analysis of chapter 159 is amended as follows:
(A) Strike—

"CHAPTER 159—ENFORCEMENT; INVESTIGATIONS, RIGHTS, AND REMEDIES".

(B) Strike the item related to section 15907.
(46) In the analysis of chapter 161, strike—

"CHAPTER 161—CIVIL AND CRIMINAL PENALTIES"

(47) Section 20133(b) is amended as follows:
(A) In paragraph (1), strike "the date of enactment of the Federal Railroad Safety Authorization Act of 1994" and substitute "November 2, 1994".

(B) In paragraph (2), strike "such date of enactment" and substitute "November 2, 1994".

(48) In sections 20134(c)(2), 20145, 22108(b), 24314(b), 24702(c), and 24903(a), strike "Committee on Energy and Commerce" and substitute "Committee on Transportation and Infrastructure".

(49) In sections 20145, 20146, and 20151(a) and (c), strike "the date of enactment of the Federal Railroad Safety Authorization Act of 1994" and substitute "November 2, 1994".

(50) In section 20152(b), strike "the date of enactment of this section" and "that date" and substitute "November 2, 1994" and "November 2, 1994,", respectively.

(51) In section 20153(g), strike "the date of enactment of this section" wherever it appears and substitute "November 2, 1994".

(52) Add at the end of section 20301(b) the following:

"(4) a car, locomotive, or train used on a street railway.".

(53) In section 21301(a)(1)—

(A) insert "A person may not fail to comply with a regulation prescribed or order issued by the Secretary of Transportation under chapter 201 of this title." before "Subject to"; and

(B) strike "Secretary of Transportation under chapter 201 of this title is liable" and substitute "Secretary under chapter 201 is liable".

(54) In section 21303(a)(1), strike "chapter 211 of this title" and substitute "chapter 211 of this title,".

(55) In section 22106(b), insert "in the same manner and under the same conditions as if they were originally granted to the State by the Secretary of Transportation" after "under this chapter".

(56)(A) Insert after chapter 281 the following:

"CHAPTER 283—STANDARD WORK DAY

"Sec.
"28301. General.
"28302. Penalties.(b) is amended as follows:

"§ 28301. General

"(a) EIGHT HOUR DAY.—In contracts for labor and services, 8 hours shall be a day's work and the standards day's work for determining the compensation for services of an employee employed by a common carrier by railroad subject to subtitle IV of this title and actually engaged in any capacity in operating trains used for transporting passengers or property on railroads from—

"(1) a State of the United States or the District of Columbia to any other State or the District of Columbia;

"(2) one place in a territory or possession of the United States to another place in the same territory or possession;

"(3) a place in the United States to an adjacent foreign country; or

"(4) a place in the United States through a foreign country to any other place in the United States.

"(b) APPLICATION.—Subsection (a) of this section—

"(1) does not apply to—

"(A) an independently owned and operated railroad not exceeding one hundred miles in length;

"(B) an electric street railroad; and

"(C) an electric interurban railroad; but

"(2) does apply to an independently owned and operated railroad less than one hundred miles in length—

"(A) whose principal business is leasing or providing terminal or transfer facilities to other railroad; or

"(B) engaged in transfers of freight between railroads or between railroads and industrial plants.

"§ 28302. Penalties

"A person violating section 28301 of this title shall be fined under title 18, imprisoned not more one year, or both.".

(B) In the analysis for subtitle V, insert after item 281 the following:

"283. STANDARD WORK DAY ..... 28301".

(57) In section 30144(a)(1)(A), strike "Organization" and substitute "Organizations".

(58) In section 30168(c), strike "Committees on Energy and Commerce and Public Works and Transportation" and substitute "Committees on Commerce and Transportation and Infrastructure".

(59) In section 30308, insert a comma after "1994".

(60) In section 31136(e)(2)(A) and (J)(i) and (ii) and (3), strike "the date of the enactment of this paragraph" and substitute "November 28, 1995".

(61) In section 32702(8), insert "any" after "or".

(62) Section 32705 is amended as follows:

(A) Subsection (a) is amended to read as follows:

"(a)(1) DISCLOSURE REQUIREMENTS.—Under regulations prescribed by the Secretary of Transportation that include the way in which information is disclosed and retained under this section, a person transferring ownership of a motor vehicle shall give the transferee the following written disclosure:

"(A) Disclosure of the cumulative mileage registered on the odometer.

"(B) Disclosure that the actual mileage is unknown, if the transferor knows that the odometer reading is different from the number of miles the vehicle has actually traveled.

"(2) A person transferring ownership of a motor vehicle may not violate a regulation prescribed under this section or give a false statement to the transferee in making the disclosure required by such a regulation.

"(3) A person acquiring a motor vehicle for resale may not accept a written disclosure under this section unless it is complete.".

(B) In subsection (b)(3)(A), strike "may" and "only if" and substitute "may not" and "unless", respectively.

(63) In sections 32904(b)(6)(C) and 32905(g), strike "Committee on Energy and Commerce" and substitute "Committee on Commerce".

(64) In the analysis of subtitle VII, strike the item related to part D and item 491 and substitute—

"PART D—RESERVED

"PART E—MISCELLANEOUS

"501 BUY-AMERICAN PREFERENCES ..... 50101".

(65) In section 40109(c)—

(A) strike "sections 41301–41306, 41308–41310(a), 41501, 41503, 41504, 41506, 41510, 41511, 41701, 41702, 41705–41709, 41711, 41712, and 41731–41742," and substitute "chapter 413 (except sections 41307 and 41310 (b)–(f)), chapter 415 (except sections 41502, 41505, and 41507–41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714),"; and

(B) strike "section 46301(b)" and substitute "sections 44909 and 46301(b)".

(66) In section 40116(d)(2)(A)(iv), strike "Levy" and "the date of enactment of this clause" and substitute "levy" and "August 23, 1994", respectively.

(67) Section 40117(e)(2) is amended as follows:

(a) In clause (B), insert "and" after the semicolon.

(B) Strike clause (C).

(C) Redesignate clause (D) as clause (C).

(68) Section 40118 is amended as follows:

(A) In the catchline for subsection (d), strike "TRANSPORTATION BY FOREIGN AIR CARRIERS" and substitute "CERTAIN TRANSPORTATION BY AIR OUTSIDE THE UNITED STATES".

(B) In subsection (f)(1), strike "(f)(1) No" and substitute "(f) PROHIBITION OF CERTIFICATION OR CONTRACT CLAUSE.—(1) No".

(69)(A) Add at the end of chapter 401 the following:

"§ 40121. Interstate agreements for airport facilities

"Congress consents to a State making an agreement, not in conflict with a law of the United States, with another State to develop or operate an airport facility.".

(B) In the analysis for chapter 401, insert after item 40120 the following:

"40121. Interstate agreements for airport facilities.".

(70) Add at the end of section 41109(a) the following:

"(5) As prescribed by regulation by the Secretary, an air carrier other than a charter air carrier may provide charter trips or other special services without regard to the places named or type of transportation specified in its certificate.".

(71) In section 41309(b)(2)(B), strike "common".

(72) In section 41312(a)(1), insert "of Transportation" after "Secretary".

(73) In section 41715(a), strike "Secretary's" and substitute "Secretary of Transportation's".

(74) In sections 44501(c)(1), 44511(e), 48102(c)(2)(A) and (d)(2), and 70112(d)(1), strike "Science, Space, and Technology" and substitute "Science".

(75) Section 44502 is amended as follows:

(A) In subsection (c)(1), strike "To ensure that" and substitute "To ensure".

(B) Strike subsection (e), and redesignate subsection (f) as subsection (e).

(76) In section 45301(c)(5), strike "the date of the enactment of this subsection" and substitute "August 23, 1994,".

(77) Section 46301 is amended as follows:

(A) In subsection (a)(1)(A)—

(i) strike "any of sections 41301–41306, 41308–41310(a), 41501, 41503, 41504, 41506, 41510, 41511, 41701,41702, 41705–41709, 41711, 41712, or 41731–41742," and substitute "chapter 413 (except sections 41307 and 41310(b)–(f)), chapter 415 (except sections 41502, 41505, and 41507–41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714),";

(ii) strike "or any of sections 44701(a) or (b), 44702–44716, 44901, 44903(b) or (c), 44905, 44906, 44907(d)(1)(B), 44909(a), 44912–44915, 44932–44938," and substitute "section 44502(b) or (c), chapter 447 (except sections 44717 and 44719–44723), chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), and 44908), or section";

(iii) insert "or" after "46303,"; and

(iv) strike ", or 41715".

(B) In subsection (a)(2)(A), strike "or any of sections 44701(a) or (b), 44702–44716, 44901, 44903(b) or (c), 44905, 44906, 44912–44915, or 44932–44938" and substitute ", section 44502(b) or (c), chapter 447 (except sections 44717–44723), or chapter 449 (except sections 44902, 44903(d), 44904, and 44907–44909)".

(C) Adjust the margins of clauses (A) and (B) of subsection (a)(3) to be the same as clauses (A) and (B) of subsection (a)(2).

(D) In subsection (c)(1)(A)—

(i) strike "any of sections 41301–41306, 41308–41310(a), 41501, 41503, 41504, 41506, 41510, 41511, 41701, 41702, 41705–41709, 41711, 41712, or 41731–41742," and substitute "chapter 413 (except sections 41307 and 41310(b)–(f)), chapter

415 (except sections 41502, 41505, and 41507–41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714),";

(ii) strike "or" before "subchapter II"; and

(iii) insert ", or section 44909" before "of this title".

(E) In subsection (d)(2), strike "or any of sections 44701(a) or (b), 44702–44716, 44901, 44903 (b) or (c), 44905, 44906, 44907(d)(1)(B), 44912–44915, 44932–44938," and substitute "section 44502(b) or (c), chapter 447 (except sections 44717 and 44719–44723), chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)–(d)(1)(A), and (d)(1)(C)–(f), 44908, and 44909), or section".

(F) In subsection (f)(1)(A)(i), strike "or any of sections 44701(a) or (b), 44702–44716, 44901, 44903 (b) or (c), 44905, 44906, 44907(d)(1)(B), 44912–44915, or 44932–44938" and substitute "section 44502 (b) or (c), chapter 447 (except sections 44717 and 44719–44723), or chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), 44908, and 44909)".

(78) In section 46306(c)(2)(B), insert "that is" before "provided".

(79) In section 46316(b), strike "and sections 44701(a) and (b), 44702–44716, 44901, 44903(b) and (c), 44905, 44906, 44912–44915, and 44932–44938" and substitute "chapter 447 (except sections 44717–44723), and chapter 449 (except sections 44902, 44903(d), 44904, and 44907–44909)".

(80) In section 47107(l)(1), strike "the date of the enactment of this subsection" and substitute "August 23, 1994".

(81) Section 47115 is amended as follows:

(A) Subsection (f)(2) as enacted by section 112(d) of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103–305, 108 Stat. 1576) is amended by striking "the date of the enactment of this subsection" and substituting "August 23, 1994".

(B) Subsection (f) as enacted by section 6(67) of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4386), is redesignated subsection (g).

(82) Section 47117 is amended as follows:

(A) In subsection (e)(1)(B), strike "47504(c)(1)" and substitute "47504(c)".

(B) In subsection (g)(1), strike "47105(e)" and substitute "47105(f)".

(83) Section 47118 is amended as follows:

(A) In subsection (a), strike "on or before the date of the enactment of this sentence" and substitute "before August 24, 1994".

(B) In subsection (e), strike "Notwithstanding section 47109(c) of this title, not" and substitute "Not".

(84) In the catchline for section 47128(d), strike "AND REPORT".

(85) Section 47129 is amended as follows:

(A) In subsection (a)(1), strike "of this subtitle" and substitute "of this title".

(B) In subsections (b), (e)(2), and (f)(2), strike "the date of the enactment of this section" and substitute "August 23, 1994".

(C) In subsection (e)(3), strike "such date of enactment" and substitute "August 23, 1994".

(86) In section 47509(d), strike "the date of the enactment of this section" and substitute "August 23, 1994".

(87) In the catchline for section 48104(b), strike "YEARS" and substitute "YEAR".

(88)(A) Part D of subtitle VII is redesignated as part E.

(B) Chapter 491 is redesignated as chapter 501.

(C) Items 49101–49105 in the analysis of chapter 501, as redesignated by subparagraph (B) of this paragraph, are redesignated as items 50101–50105.

(D) Sections 49101–49105 are redesignated as sections 50101–50105.

(89) In sections 50101(a) and (b)(3), 50102, 50104(b)(1), and 50105, as redesignated by clause (88)(D) of this section, strike "sections 47106(d) and" and substitute "section".

(90) In section 60101, strike "(a)" and substitute "(a) GENERAL.—".

(91) In section 60114(a)(9), strike "60120, 60122, and 60123" and substitute "60120 and 60122".

(92) In section 70102(6), strike "facilities" and substitute "facilities at that location".

(93) In section 70112(a)(3)(B), insert "(i) or (ii)" after "(A)".

(94) In section 70113(e)(6)(D), insert "a" before "resolution".

(95) In section 70117(b)(2), strike "Land Remote—Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.)" and substitute "Land Remote Sensing Policy Act of 1992 (15 U.S.C. 5601 et seq.)".

SEC. 6. TECHNICAL CHANGES TO OTHER LAWS.

(a) Effective July 5, 1994—

(1) Section 4(f)(1)(S) of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1362), is amended to read as follows:

"(S) In section 6101(4)(B), strike 'agency' the 2d time it appears and substitute 'agency.'.".

(2) Section 5(e)(11) of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1374), as amended by section 7(a)(4)(A) of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4389), is amended to read as follows:

"(11) In section 2516(1)(j), strike 'section' the first place it appears and all that follows and substitute 'section 60123(b) (relating to destruction of a natural gas pipeline) or section 46502 (relating to aircraft piracy) of title 49;'.".

(b) Effective August 26, 1994, section 105(b)(2) of the Hazardous Materials Transportation Act of 1994 (title I of Public Law 103–311, 108 Stat. 1674) is amended to read as follows:

"(2) by striking 'the State' the first place it appears;".

(c) Effective September 30, 1994, section 335A of the Department of Transportation and Related Agencies Appropriations Act, 1995 (Public Law 103–331, 108 Stat. 2495) is amended to read as follows:

"SEC. 335A. Section 5302(a)(1) of title 49, United States Code, is amended by inserting 'payments for the capital portions of rail trackage rights agreements,' after 'rights of way),'.".

(d) Effective October 31, 1994—

(1) Section 6 of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4378), is amended to read as follows:

(A) Clause (41) is amended to read as follows:

"(41) Section 32913(b) is amended as follows:

"(A) In the catchline, strike 'PENALTY REDUCTION' and substitute 'CERTIFICATION'.

"(B) In paragraph (1), strike 'the penalty should be reduced' and substitute 'a reduction in the penalty is necessary'.".

(B) Clause (44)(B) is amended to read as follows:

"(B) Add before the period at the end 'of this title'.".

(2) Section 8(1) of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4390), is amended by striking "1st paragraph" and substituting "1st paragraph related to transfer of aircraft".

(e) Effective November 2, 1994, section 10(c)(2)(A) of the Act of November 2, 1994 (Public Law 103–437, 108 Stat. 4589), is repealed and section 107(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450k(b)), as amended by section 105(1) of the Indian Self-Determination Act (Public Law 103–413, 108 Stat. 4269), is revived and shall read as if section 10(c)(2)(A) of the Act of November 2, 1994 (Public Law 103–437, 108 Stat. 4589), had not been enacted.

(f) Effective December 29, 1995, the ICC Termination Act of 1995 (Public Law 104–88, 109 Stat. 809) is amended as follows:

(1) In section 102(b), strike "**Commerce**" and "**Transportation**" and substitute "Commerce" and "Transportation", respectively

(2) In section 305(d)(6), strike "part B or (C)" and substitute "part B or C".

(3) In section 308(j) strike "30106(d)" substitute "30166(d)".

(4) Section 327 is amended as follows:

(A) in clause (3)(B), strike "'Interstate Commerce Act" and substitute "'the Interstate Commerce Act' in subsection (b)(3)".

(B) in clause (5), insert "(A)" after "(5)" and add at the end of the clause the following:

"(B) by inserting after item 712 in the table of contents the following:

'Sec. 713. Class II railroads receiving Federal assistance.'.".

(g) Section 401 of the Federal Election Campaign Act of 1971 (2) U.S.C. 451) is amended by striking "such Secretary" and substituting "the Secretary".

(h) Section 917(a)(4) of the Consumer Credit Protection Act (15 U.S.C. 1693o(a)(4)) is amended by striking "Civil Aeronautics Board" and substituting "Secretary of Transportation".

(i) In section 17(d) of the Noise Control Act of 1972 (Public Law 92–574, 86 Stat. 1249), strike "such terms have under the first section of the Act of February 17, 1911 (45 U.S.C. 22)" and substitute "the term 'railroad carrier' has in section 20102 of title 49, United States Code".

(j) The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended as follows:

(1) In section 101(26), strike "the Pipeline Safety Act" and substitute "section 60101(a) of title 49, United States Code".

(2) In section 107(c)(1)(C), strike "the Hazardous Liquid Pipeline Safety Act of 1979" and substitute "section 60101(a) of title 49, United States Code".

(k) Section 241(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12161(2)) is amended by striking "commuter service" and substituting "commuter rail passenger transportation".

SEC. 7 REPEAL OF OTHER LAWS.

The following are repealed:

(1) Section 119 "Sec. 404(f)" of the Amtrak Reorganization Act of 1979 (Public Law 96–73, 93 Stat. 547).

(2) Sections 1 (a)(3) and (b), 2, and 4–6 of the Reorganization Plan No. 2 of 1968 (effective June 30, 1968, 82 Stat. 1369, 1370).

(3) Sections 5005 and 6020 of the Intermodal Surface Transportation Efficiency Act (49 U.S.C. 301(notes)).

(4) Section 317 of the Department of Transportation and Related Agencies Appropriations Act, 1995 (49 U.S.C. 44502(note)).

(5) The Department of Transportation Act (Public Law 89–670, 80 Stat. 931).

(6) Sections 129 and 135 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 (Public Law 102–581, 106 Stat. 4886, 4888).

(7) Section 27 of the Bus Regulatory Reform Act of 1982 (Public Law 97–261, 96 Stat. 1126).

(8) Section 4007 (a), (c), (d), and (e) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 2151, 2152).

SEC. 8. EFFECTIVE DATE.

(1) The amendments made by sections 3 and 5(10)–(17), (19), (20), (52), (53), (55), (61), (62), (65), (70), (77), (78), and (91)–(93) of this Act shall tale effect on July 5, 1994.

(2) The amendment made by section 5(82)(A) of this Act shall take effect on October 31, 1994.

SEC. 9. LEGISLATIVE PURPOSE AND CONSTRUCTION.

(a) NO SUBSTANTIVE CHANCE.—This Act restates, without substantive change, laws enacted before March 1, 1996, that were replaced by this Act. This Act may not be construed as making a substantive change in the laws replaced. Laws enacted after February 29, 1996, that are inconsistent with this Act supersede this Act to the extent of the inconsistency.

(b) REFERENCES.—A reference to a law replaced by this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

(c) CONTINUING EFFECT.—An order, rule, or regulation in effect under a law replaced by this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

(d) ACTIONS AND OFFENSES UNDER PRIOR LAW.—An Action taken or an offense committed under a law replaced by this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

(e) INFERENCES.—An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of a caption or catchline of the provision.

(f) SEVERABILITY.—If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provisions remain in effect. If a provision enacted by this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.

SEC. 10. REPEALS.

(a) INFERENCES OF REPEAL.—The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal.

(b) REPEALER SCHEDULE—The law specified in the following schedule is repealed, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before the date of enactment of this Act:

SCHEDULE OF LAWS REPEALED

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code	
			Volume	Page	Title	Section
1916 Sept. 3, 5.	436	.....	39	721, 722	45	65, 66

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2297, which restates without substantive change, laws related to transportation and makes other technical improvements in the United States Code. The bill was prepared for the House Judiciary Committee by the Office of the Law Revision Counsel under its authority under section 285(b) of title 2, United States Code, to prepare and submit periodically revisions of positive law titles of the Code to keep those titles current.

The Office of the Law Revision Counsel is engaged in an ongoing project of preparing various titles of the United States Code for enactment into positive law. Such codifications are important because they facilitate access to the law on a particular subject by putting it in one place—obviating the necessity of examining disparate statutes. Amending positive law involves fewer technical complexities—and thus presents fewer opportunities for errors—because the United States Code itself is amended rather than having to enact changes in various acts. Finally, positive law facilitates proof in judicial proceedings, because the text of United States Code titles enacted into positive law is legal evidence in Federal and State courts of the laws contained therein.

Congress codified title 49 into positive law in segments—initially completing the task with the July 5, 1994 enactment of Public Law 103–272. Later that year, Congress enacted Public Law 103–429 to make technical improvements and incorporate title 49 transportation related laws enacted after the June 30, 1993 cutoff date for Public Law 103–272 or not otherwise included in title 49.

Today, we again update title 49—this time to incorporate an additional law not already included in the codification and make further technical corrections. Some of these technical changes are necessitated by events after the September 25, 1994 cutoff date for the last transportation related codification—including the enactment of Public Law 103–88, the ICC Termination Act of 1995, on December 29, 1995.

As the result of comments received from various departments and agencies concerned with transportation, and interested private parties, the Office of Law Revision Counsel prepared an amendment in the nature of a substitute to incorporate changes resulting from the comments. After reviewing the legislation as reported by the Committee on the Judiciary, the chairman of the Committee on Commerce, Mr. BLILEY, and the chairman of the Committee on Science, Mr. WALKER, advised me of their support. To reflect comments from the Committee on Transportation and Infrastructure, the Office of Law Revision Counsel proposed some additional changes—which are incorporated in the manager's amendment.

The Law Revision Counsel assures me that H.R. 2297, as amended, makes no change in the substance of existing law. Therefore, no additional cost to the Government would be incurred as a result of enactment. Pay-as-you-go procedures would not apply, because enactment would not affect direct spending or receipts.

By updating and improving the codification of title 49, this legislation will provide to be beneficial to Congress, the courts, and the public. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, these changes in the bill are technical. There are no substantive changes in the law. It merely codifies and clarifies present law, and I urge the Members to support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the bill, H.R. 2297, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING CIRCUIT JUDGE WHO HAS TAKEN PART IN EN BANC HEARING TO CONTINUE TO PARTICIPATE AFTER TAKING SENIOR STATUS

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 531) to authorize a circuit judge who has taken part in an en banc hearing of a case to continue to participate in that case after taking senior status, and for other purposes.

The Clerk read as follows:

S. 531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT.

The last sentence of section 46(c) of title 28, United States Code, is amended by inserting "(1)" after "eligible" and by inserting the period at the end of the sentence ", or (2) to continue to participate in the decision of a case or controversy that was heard or reheard by the court en banc at a time when such judge was in regular active service".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 531. This act amends section 46(c) of title 28, to authorize a circuit judge who has taken part in an en banc hearing of a case to continue to participate in that case after taking senior status. There is an inadvertent problem in the

law as it exist today. While section 46(c) allows a senior circuit judge who was a member of a panel whose decision is being reviewed en banc to sit on the en banc court, it has been interpreted to require a circuit judge in regular active service who has heard argument in an en banc case to case participating in that case upon taking senior status. This problem leads to uncertainty in deciding who will be eligible to vote on the final disposition of an appeal and may create the perception that a judge is delaying the release of an en banc opinion until a member of the en banc court takes senior status.

This is an unintended result and a basic drafting problem in the statute. The judicial council of the seventh circuit, the most recent court to construe the statute, recommends the change contained in S. 531, and I urge a favorable vote.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from California has indicated, many cases that come before the circuit court involved a 3-judge pane. Those decisions will frequently include a senior or retired judge as a member of the panel. If the case goes to the full circuit court, the senior judge that took part in that decision can continue considering that case in the full court.

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The circuits have split as to what happened when a judge changes from regular status to senior status during the trial and the circuits are split. This bill just merely says that, if he takes senior status while the case is still pending, he can continue to consider the case. This bill has unanimous support from the Committee on the Judiciary, and I urge support of the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the Senate bill, S. 531.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 531, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL FILM PRESERVATION ACT OF 1996

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1734) to reauthorize the National Film Preservation Board, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—REAUTHORIZATION OF THE NATIONAL FILM PRESERVATION BOARD

SEC. 101. SHORT TITLE.

This title may be cited as the "National Film Preservation Act of 1996".

SEC. 102. NATIONAL FILM REGISTRY OF THE LIBRARY OF CONGRESS.

The Librarian of Congress (hereafter in this Act referred to as the "Librarian") shall continue the National Film Registry established and maintained under the National Film Preservation Act of 1988 (Public Law 100-446), and the National Film Preservation Act of 1992 (Public Law 102-307) pursuant to the provisions of this title, for the purpose of maintaining and preserving films that are culturally, historically, or aesthetically significant.

SEC. 103. DUTIES OF THE LIBRARIAN OF CONGRESS.

(a) POWERS.—

(1) IN GENERAL.—The Librarian shall, after consultation with the Board established pursuant to section 104—

(A) continue the implementation of the comprehensive national film preservation program for motion pictures established under the National Film Preservation Act of 1992, in conjunction with other film archivists, educators and historians, copyright owners, film industry representatives, and others involved in activities related to film preservation, taking into account the objectives of the national film preservation study and the comprehensive national plan conducted under the National Film Preservation Act of 1992. This program shall—

(i) coordinate activities to assure that efforts of archivists and copyright owners, and others in the public and private sector, are effective and complementary;

(ii) generate public awareness of and support for these activities;

(iii) increase accessibility of films for educational purposes; and

(iv) undertake studies and investigations of film preservation activities as needed, including the efficacy of new technologies, and recommend solutions to improve these practices;

(B) establish criteria and procedures under which films may be included in the National Film Registry, except that no film shall be eligible for inclusion in the National Film Registry until 10 years after such film's first publication;

(C) establish procedures under which the general public may make recommendations to the Board regarding the inclusion of films in the National Film Registry; and

(D) determine which films satisfy the criteria established under subparagraph (B) and qualify for inclusion in the National Film Registry, except that the Librarian shall not select more than 25 films each year for inclusion in the Registry.

(2) PUBLICATION OF FILMS IN REGISTRY.—The Librarian shall publish in the Federal Register the name of each film that is selected for inclusion in the National Film Registry.

(3) SEAL.—The Librarian shall provide a seal to indicate that a film has been included in the National Film Registry and is the Registry version of that film. The Librarian shall establish guidelines for approval of the use of the seal in accordance with subsection (b).

(b) USE OF SEAL.—The seal provided under subsection (a)(3) may only be used on film copies of the Registry version of a film. Such seal may be used only after the Librarian has given approval to those persons seeking to apply the seal in accordance with the guidelines under subsection (a)(3). In the case of copyrighted works, only the copyright owner or an authorized licensee of the copyright owner may place or authorize the placement of the seal on any film copy of a Registry version of a film selected for inclusion in the National Film Registry, and the Librarian may place the seal on any film copy of the Registry version of any film that is maintained in the National Film Registry Collection in the Library of Congress. Anyone authorized to place the seal on any film copy of any Registry version of a film may accompany such seal with the following language: "This film was selected for inclusion in the National Film Registry by the National Film Preservation Board of the Library of Congress because of its cultural, historical, or aesthetic significance.".

SEC. 104. NATIONAL FILM PRESERVATION BOARD.

(a) NUMBER AND APPOINTMENT.—

(1) MEMBERS.—The Librarian shall establish in the Library of Congress a National Film Preservation Board to be comprised of 20 members, who shall be selected by the Librarian in accordance with this section. Subject to subparagraphs (C) and (N), the Librarian shall request each organization listed in subparagraphs (A) through (Q) to submit a list of 3 candidates qualified to serve as a member of the Board. Except for the members-at-large appointed under subparagraph (2), the Librarian shall appoint one member from each such list submitted by such organizations, and shall designate from that list an alternate who may attend at Board expense those meetings to which the individual appointed to the Board cannot attend. The organizations are the following:

(A) The Academy of Motion Picture Arts and Sciences.

(B) The Directors Guild of America.

(C) The Writers Guild of America. The Writers Guild of America East and the Writers Guild of America West shall each nominate three candidates, and a representative from one organization shall be selected as the member and a representative from the other organization as the alternate.

(D) The National Society of Film Critics.

(E) The Society for Cinema Studies.

(F) The American Film Institute.

(G) The Department of Film and Television of the School of Theater, Film and Television at the University of California, Los Angeles.

(H) The Department of Film and Television of the Tisch School of the Arts at New York University.

(I) The University Film and Video Association.

(J) The Motion Picture Association of America.

(K) The Alliance of Motion Picture and Television Producers.

(L) The Screen Actors Guild of America.

(M) The National Association of Theater Owners.

(N) The American Society of Cinematographers and the International Photographers Guild, which shall jointly submit one list of 3 candidates from which a member and alternate will be selected.

(O) The United States Members of the International Federation of Film Archives.

(P) The Association of Moving Image Archivists.

(Q) The Society of Composers and Lyricists.

(2) MEMBERS-AT-LARGE.—In addition to the Members appointed under paragraph (1), the Librarian shall appoint up to 3 members-at-large. The Librarian shall also select an alternate for each member at-large, who may attend at Board expense those meetings which the member at-large cannot attend.

(b) CHAIR.—The Librarian shall appoint one member of the Board to serve as Chair.

(c) TERM OF OFFICE.—

(1) TERMS.—The term of each member of the Board shall be 4 years, except that there shall be no limit to the number of terms that any individual member may serve.

(2) REMOVAL OF MEMBER OR ORGANIZATION.—The Librarian shall have the authority to remove any member of the Board, or the organization listed in subsection (a) such member represents, if the member, or organization, over any consecutive 2-year period, fails to attend at least one regularly scheduled Board meeting.

(3) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made under subsection (a), except that the Librarian may fill the vacancy from a list of candidates previously submitted by the organization or organizations involved. Any member appointed to fill a vacancy before the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term.

(d) QUORUM.—11 members of the Board shall constitute a quorum but a lesser number may hold hearings.

(e) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Board.

(f) MEETINGS.—The Board shall meet at least once each fiscal year. Meetings shall be at the call of the Librarian.

(g) CONFLICT OF INTEREST.—The Librarian shall establish rules and procedures to address any potential conflict of interest between a member of the Board and responsibilities of the Board.

SEC. 105. RESPONSIBILITIES AND POWERS OF BOARD.

(a) IN GENERAL.—The Board shall review nominations of films submitted to it for inclusion in the National Film Registry and consult with the Librarian, as provided in section 103, with respect to the inclusion of such films in the Registry and the preservation of these and other films that are culturally, historically, or aesthetically significant.

(b) NOMINATION OF FILMS.—The Board shall consider, for inclusion in the National Film Registry, nominations submitted by the general public as well as representatives of the film industry, such as the guilds and societies representing actors, directors, screenwriters, cinematographers, and other creative artists, producers, and film critics, archives and other film preservation organizations, and representatives of academic institutions with film study programs. The Board shall nominate not more than 25 films each year for inclusion in the Registry.

(c) POWERS.—

(1) IN GENERAL.—The Board may, for the purpose of carrying out its duties, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Librarian and the Board consider appropriate.

(2) SERVICE ON FOUNDATION.—Two sitting members of the Board shall be appointed by the Librarian, and shall serve, as Board members of the National Film Preservation Foundation, in accordance with section 203.

SEC. 106. NATIONAL FILM REGISTRY COLLECTION OF THE LIBRARY OF CONGRESS.

(a) ACQUISITION OF ARCHIVAL QUALITY COPIES.—The Librarian shall endeavor to obtain, by gift from the owner, an archival quality copy of the Registry version of each film included in the National Film Registry. Whenever possible, the Librarian shall endeavor to obtain the best surviving materials, including preprint materials. Copyright owners and others possessing copies of such materials are strongly encouraged, to further the preservation purposes of this Act, to provide preprint and other archival elements to the Library of Congress.

(b) ADDITIONAL MATERIALS.—The Librarian shall endeavor to obtain, for educational and research purposes, additional materials related to each film included in the National Film Registry, such as background materials, production reports, shooting scripts (including continuity scripts) and other similar materials.

(c) PROPERTY OF UNITED STATES.—All copies of films on the National Film Registry that are received as gifts or bequests by the Librarian and other materials received by the Librarian under subsection (b), shall become the property of the United States Government, subject to the provisions of title 17, United States Code.

(d) NATIONAL FILM REGISTRY COLLECTION.—All copies of films on the National Film Registry that are received by the Librarian under subsection (a), and other materials received by the Librarian under subsection (b), shall be maintained in the Library of Congress and be known as the "National Film Registry Collection of the Library of Congress". The Librarian shall, by regulation, and in accordance with title 17, United States Code, provide for reasonable access to the films and other materials in such collection for scholarly and research purposes.

SEC. 107. SEAL OF THE NATIONAL FILM REGISTRY.

(a) USE OF THE SEAL.—

(1) PROHIBITION ON DISTRIBUTION AND EXHIBITION.—No person shall knowingly distribute or exhibit to the public a version of a film or any copy of a film which bears the seal described in section 103(a)(3) if such film—

(A) is not included in the National Film Registry; or

(B) is included in the National Film Registry, but such film or film copy has not been approved for use of the seal by the Librarian pursuant to section 103(a)(1)(D).

(2) PROHIBITION ON PROMOTION.—No person shall knowingly use the seal described in section 103(a)(3) to promote any version of a film or film copy other than a Registry version.

(b) EFFECTIVE DATE OF THE SEAL.—The use of the seal described in section 103(a)(3) shall be effective for each film after the Librarian publishes in the Federal Register, in accordance with section 103(a)(2), the name of that film as selected for inclusion in the National Film Registry.

SEC. 108. REMEDIES.

(a) JURISDICTION.—The several district courts of the United States shall have jurisdiction, for cause shown, to prevent and restrain violations of section 107(a).

(b) RELIEF.—

(1) REMOVAL OF SEAL.—Except as provided in paragraph (2), relief for violation of section 107(a) shall be limited to the removal of the seal of the National Film Registry from the film involved in the violation.

(2) FINE AND INJUNCTIVE RELIEF.—In the case of a pattern or practice of the willful violation of section 107(a), the United States district courts may order a civil fine of not more than $10,000 and appropriate injunctive relief.

SEC. 109. LIMITATIONS OF REMEDIES.

The remedies provided in section 108 shall be the exclusive remedies under this title, or any other Federal or State law, regarding the use of the seal described in section 103(a)(3).

SEC. 110. STAFF OF BOARD; EXPERTS AND CONSULTANTS.

(a) STAFF.—The Librarian may appoint and fix the pay of such personnel as the Librarian considers appropriate to carry out this title.

(b) EXPERTS AND CONSULTANTS.—The Librarian may, in carrying out this title, procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum rate of basic pay payable for GS–15 of the General Schedule. In no case may a member of the Board or an alternate be paid as an expert or consultant under this section.

SEC. 111. DEFINITIONS.

As used in this title—

(1) the term "Librarian" means the Librarian of Congress;

(2) the term "Board" means the National Film Preservation Board;

(3) the term "film" means a "motion picture" as defined in section 101 of title 17, United States Code, except that such term does not include any work not originally fixed on film stock, such as a work fixed on videotape or laser disk;

(4) the term "publication" means "publication" as defined in section 101 of title 17 United States Code; and

(5) the term "Registry version" means, with respect to a film, the version of a film first published, or as complete a version as bona fide preservation and restoration activities by the Librarian, an archivist other than the Librarian, or the copyright owner can compile in those cases where the original material has been irretrievably lost.

SEC. 112. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Librarian such sums as may be necessary to carry out the purposes of this title, but in no fiscal year shall such sum exceed $250,000.

SEC. 113. EFFECTIVE DATE.

The provisions of this title shall be effective for 7 years beginning on the date of the enactment of this Act. The provisions of this title shall apply to any copy of any film, including those copies of films selected for inclusion in the National Film Registry under the National Film Preservation Act of 1988 and the National Film Preservation Act of 1992, except that any film so selected under either Act shall be deemed to have been selected for the National Film Registry under this title.

SEC. 114. REPEAL.

The National Film Preservation Act of 1992 (2 U.S.C. 179 and following) is repealed.

TITLE II—THE NATIONAL FILM PRESERVATION FOUNDATION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "National Film Preservation Foundation Act".

SEC. 202. ESTABLISHMENT AND PURPOSE OF FOUNDATION.

(a) ESTABLISHMENT.—There is established the National Film Preservation Foundation (hereafter in this title referred to as the "Foundation"). The Foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States.

(b) PURPOSES.—The purposes of the Foundation are—

(1) to encourage, accept, and administer private gifts to promote and ensure the preservation and public accessibility of the nation's film heritage held at the Library of Congress and other public and nonprofit archives throughout the United States;

(2) to further the goals of the Library of Congress and the National Film Preservation Board in connection with their activities under the National Film Preservation Act of 1996; and

(3) to undertake and conduct other activities, alone or in cooperation with other film related institutions and organizations, as will further the preservation and public accessibility of films made in the United States, particularly those not protected by private interests, for the benefit of present and future generations of Americans.

SEC. 203. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—The Foundation shall have a governing Board of Directors (hereafter in this title referred to as the "Board"), which shall consist of 9 Directors, each of whom shall be a United States citizen and at least 6 of whom must be knowledgeable or experienced in film production, distribution, preservation, or restoration, including 2 who shall be sitting members of the National Film Preservation Board. These 6 members of the Board shall, to the extent practicable, represent diverse points of views from the film community, including motion picture producers, creative artists, nonprofit and public archivists, historians, film critics, theater owners, and laboratory and university personnel. The Librarian of Congress (hereafter in this title referred to as the "Librarian") shall be an ex officio nonvoting member of the Board. Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purpose of any Federal law.

(b) APPOINTMENT AND TERMS.—Within 90 days after the date of the enactment of this Act, the Librarian shall appoint the Directors of the Board. Each Director shall be appointed for a term of 4 years. A vacancy on the Board shall be filled, within 60 days after the vacancy occurs, in the manner in which the original appointment was made. No individual may serve more than 2 consecutive terms as a Director.

(c) CHAIR.—The initial Chair shall be appointed by the Librarian from the membership of the Board for a 2-year term, and thereafter shall be appointed and removed in accordance with the Foundation's bylaws.

(d) QUORUM.—A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

(e) MEETINGS.—The Board shall meet at the call of the Librarian or the Chair at least once a year. If a Director misses 3 consecutive regularly scheduled meetings, that individual may be removed from the Board by the Librarian, and that vacancy shall be filled in accordance with subsection (b).

(f) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Foundation.

(g) GENERAL POWERS.—

(1) ORGANIZATION OF FOUNDATION.—The Board may complete the organization of the Foundation by—

(A) appointing, removing, and replacing officers, except as provided for in paragraph (2)(B);

(B) adopting a constitution and bylaws consistent with the purposes of the Foundation and the provisions of this title; and

(C) undertaking such other acts as may be necessary to carry out the provisions of this title.

(2) LIMITATION ON APPOINTMENT OF EMPLOYEES.—The following limitations apply with respect to the appointment of employees of the Foundation:

(A) Except as provided in subparagraph (B), employees of the Foundation shall be appointed, removed, and replaced by the Secretary of the Board. All employees (including the Secretary of the Board) shall be appointed and removed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay in effect for grade GS–15 of the General Schedule. Neither the Board, nor any of the employees of the Foundation, including the Secretary of the Board, shall be construed to be employees of the Library of Congress.

(B) The first employee appointed shall be the Secretary of the Board. The Secretary shall be appointed, and may be removed by, the Librarian.

(C) The Secretary of the Board shall—

(i) serve as its executive director, and

(ii) be knowledgeable and experienced in matters relating to film preservation and restoration activities, financial management, and fund-raising.

SEC. 204. RIGHTS AND OBLIGATIONS OF THE FOUNDATION

(a) GENERAL.—The Foundation—

(1) shall have perpetual succession;

(2) may conduct business in the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States;

(3) shall have its principal offices in the District of Columbia; and

(4) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

The serving of notice to, or service of process upon, the agent required under paragraph (4), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Foundation.

(b) SEAL.—The Foundation shall have an official seal selected by the Board which shall be judicially noticed.

(c) POWERS.—To carry out its purposes under section 202, the Foundation shall have, in addition to the powers otherwise given it under this title, the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to acquire by purchase or exchange any real or personal property or interest therein;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain, or otherwise dispose of any property or income therefrom;

(4) to borrow money and issue bonds, debentures, or other debt instruments;

(5) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the Directors of the Board shall not be personally liable, except for gross negligence;

(6) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its functions; and

(7) to do any and all acts necessary and proper to carry out the purposes of the Foundation.

A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons, if any current or future interest therein is for the benefit of the Foundation.

SEC. 205. ADMINISTRATIVE SERVICES AND SUPPORT.

The Librarian may provide personnel, facilities, and other administrative services to the Foundation, including reimbursement of expenses under section 203, not to exceed the current per diem rates for the Federal Government, and the Foundation shall reimburse the Librarian therefor. Amounts so reimbursed shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.

SEC. 206. VOLUNTEER STATUS.

The Librarian may accept, without regard to the civil service classification laws, rules, or regulations, the services of the Foundation, the Board, and other officers and employees of the Board, without compensation from the Library of Congress, as volunteers in the performance of the functions authorized in this title.

SEC. 207. AUDITS, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL, FOR EQUITABLE RELIEF.

(a) AUDITS.—The Foundation shall be treated as a private corporation established under Federal law for purposes of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law.", approved August 30, 1964 (36 U.S.C. 1101–1103).

(b) REPORT.—The Foundation shall, as soon as practicable after the end of each fiscal year, transmit to the Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) RELIEF WITH RESPECT TO CERTAIN FOUNDATION ACTS OR FAILURE TO ACT.—If the Foundation—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with its purposes set forth in section 202(b), or

(2) refuses, fails, or neglects to discharge its obligations under this title, or threatens to do so,

the Attorney General of the United States may file a petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

SEC. 208. UNITED STATES RELEASE FROM LIABILITY.

The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation, nor shall the full faith and credit of the United States extend to any obligation of the Foundation.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Library of Congress such sums as may be necessary to carry out the purposes of this title, not to exceed $250,000 for each of the fiscal years 2000 through 2003, to be made available to the Foundation to match private contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local governments.

(b) ADMINISTRATIVE EXPENSES.—No Federal funds authorized under this section may be used by the Foundation for administrative expenses of the Foundation, including for salaries, travel, and transportation expenses, and other overhead expenses.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1734, the National Film Preservation Act of 1996, as amended.

This bill authorizes an existing program first established in 1988, that developed a national strategy to deal with the problem of preserving film for educational and historical purposes. The purpose of H.R. 1734 is to reauthorize a program that is saving firms which, but for preservation efforts, will be lost forever. Film is currently celebrating its bittersweet 100th anniversary. The seminal study on the film preservation problem which we authorized in the 1992 act documented that for films produced before 1950, over 50 percent no longer survive; and, of films made before 1920, fewer than 10 percent still exist. More recent films face no less danger—from color fading, vinegar syndrome, and a host of other colorfully named but equally destructive maladies. The 1992 authorization ended last month. Without the reauthorization provided by H.R. 1734 and the support and intervention of the Federal Government, many of the remaining materials will be irretrievably lost.

In 1988, Congress created the National Film Preservation Board within the Library of Congress which recognized the importance and fragile nature of our film heritage. In the 1992 reauthorization, the program was redefined with a mission to identify the technical and policy problems related to preserving film in this country, and to coordinate the development of a public and private sector plan to address the problems so identified.

The 1992 legislation created a methodical two-step program, coordinated by the Librarian of Congress and the Film Board. The first step was the completion in 1993 of a comprehensive study conducted under the auspices of the Library of Congress to take a snap shot of the film preservation problem in the United States. Public hearings and public witnesses from Government and private entities including film studios, independent film producers, creative artists, educators and other users of film materials described the technical and policy problems that must be addressed to save film from disintegration and to make them more readily available to the public. Following the study was the development in 1994 of a second document known as "the national plan" to fix the problem via a public/private partnership with very realistic and specific implementation steps.

Both pubic documents were very well received and in fact, other countries are modeling their film preservation efforts on our methodology. Implementation of the plan is now underway. H.R. 1734 will authorize the continued implementation of the national plan by the Librarian of Congress, since that authorization expired in June.

The materials that are the focus of H.R. 1734 are not the Hollywood films but films which are vital for educational, rather than commercial reasons, and which will not survive without public intervention. Examples of such films include documentaries and newsreels, independent films, animation and short subjects, silent films, films by and/or documenting minority or ethnic groups, films of historical, educational or regional importance, and films that are no longer under copyright protection. These films are held and maintained by public and nonprofit archives, State and local historical societies, university and public libraries and similar institutions in all 50 States.

Our bill, crafted with bipartisan support, will help save our film heritage, with a very minimal amount of Federal spending, that is, $250,000 per year, which is the current authorized rate, increasing moderately after fiscal year 1999. Title I will continue the work of the coordinating body within the Library of Congress, the National Film Preservation Board, to enable the continued implementation of the national plan developed by the 1992 act. H.R. 1734 picks up the work already completed by the Library of Congress and the National Film Preservation Board and takes it to the next logical step by partnering the private sector with the public sector, creating a 501(c) organization known as the National Film Preservation Foundation. The Foundation (title II) is modeled on similar entities created by Congress and will give grants to archives and libraries that are preserving films.

The libraries and archives with film collections must spend $10,000 to $100,000 or more per film to preserve, restore, catalog and/or store the materials properly. The Foundation needs to raise a considerable sum of private money from within and outside the film community. Examples of the diversity of institutions with such films holdings that will be eligible for Foundation grants include: the George Eastman House, the Library of Congress, the Museum of Modern Art, UCLA Film and Television Archive, the National Center for Jewish Film, Anthology Film Archives, Pacific Film Archives, Northeast Historic Film, the Oregon Historical Society, the Japanese American National Museum, the Black Film Center at Indiana University, and many similar institutions large and small, including for example, those supporting and promoting film preservation, such as the American Film Institute. All of these entities are in full support of H.R. 1734.

H.R. 1734 fulfills the Government's role in film preservation of facilitator or coordinator of the work already being done in hundreds of archives, libraries, laboratories, and film studios nationwide and to add some public funds where needed. Via the Foundation the Government will provide the seed money to raise private funds to save the so-called orphan films. It will enable information about technology to be more readily shared, and to coordinate lab efforts and solve storage problems. The Government will not spend its money on Hollywood feature films but will encourage the studios to continue to share information and coordinate efforts with the archives and independent filmmakers and others.

I wish to thank the ranking member of the Subcommittee on Courts and Intellectual Property, Mrs. SCHROEDER, for her work on H.R. 1734. I also wish to thank my colleagues who cosponsored this legislation, Mr. COBLE, Mr. BONO, and Mr. CONYERS, and my colleague on the Committee on House Oversight, Mr. THOMAS, for working with Judiciary to craft a responsible bill in these lean financial times that will allow this important work to continue. I would also like to commend the Librarian and his staff, especially Steve Leggett, and the Film Board for the work they have done to date.

Mr. Speaker, I urge the passage of H.R. 1734.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1734. This bill takes two critical steps toward preserving America's very rich but threatened heritage of culturally, historically, and aesthetically significant films.

The first is the reauthorization of the National Film Preservation Board. Congress established this board in 1988 tasking it with the annual selection of

25, "culturally, historically or aesthetically significant," films to the National Film Registry and the development of labeling guidelines for films that have been "materially altered."

In 1992, when Congress reauthorized the board, our focus was on film preservation. The labeling guideline provision was dropped in the 1992 reauthorization because it had proved to be too contentious and problematic with little likelihood of consensus among the interested stakeholders.

Two significant accomplishments result from this 1992 reauthorization act. First, the 1-year study completed in 1993 persuasively demonstrated that the American film heritage was at risk. It found that fewer than 20 percent of the feature films from the 1920's survive in complete form. For features from the 1910's, the survival rate falls to about 10 percent. Only about half of the films made before 1950 survive. The study found that many lost American films can only be found in foreign archives. This study accomplished the important step of assessing the nature and scope of the threat to our film heritage.

The second major achievement was the development of a national consensus plan for film preservation, representing 6 months of negotiations and consensus building among archivists, educators, film makers, and film industry executives.

Today, by reauthorizing the Film Preservation Board for 7 years, we can ensure that these efforts to preserve our historical and cultural film heritage will continue. By creating a new federally chartered nonprofit foundation, the National Film Preservation Foundation, this bill creates an important new mechanism to further these efforts.

These two provisions will increase film availability for educational and public exhibition. They will spur the development of public-private partnerships to restore key films, share preservation information and repatriate lost American films that are now found only in foreign archives. The foundation will be able to raise money for the preservation of newsreels, documentaries, independent and avant garde films, socially significant amateur footage, regional historical films and other features of cultural and historical importance that otherwise could not survive.

All of this is done with an extremely modest authorization level. The film board is kept at $250,000, and the foundation authorized for no funds until the fiscal year 2000 when an annual ceiling of $250,000 takes effect. While Hollywood films have the commercial value which will ensure their preservation, the same cannot be said for much of our film heritage, which nonetheless has enormous cultural and historical significance.

It is for these latter works, the public domain or educational films, historical footage, documentaries, and other films that this bill is so vitally important.

Let me mention one example of a film now available to the American public because of the efforts of the Film Preservation Board. A film entitled "Within Our Gates," the oldest film directed by an African-American, was selected and preserved by the film board. It was a film that very few people had seen because so few copies were available.

A copy of this important but essential lost work, a 1920 film directed by Oscar Micheau, was found in the Spanish film archives as a result of the preservation board efforts. The Library of Congress has been able to release this film on video and make it widely available to the public. But for the existence of the film board, this important bit of African-American cultural heritage would be languishing, unseen in the Spanish film archives.

H.R. 1734 uses creative and collaborative approaches to ensure that America's rich film heritage is preserved for future generations. I urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the bill, H.R. 1734, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1734, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LOBBYING DISCLOSURE TECHNICAL AMENDMENTS ACT OF 1996

Mr. HOKE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3435), to make technical amendments to the Lobbying Disclosure Act of 1995, as amended.

The Clerk read as follows:

H.R. 3435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Lobbying Disclosure Technical Amendments Act of 1996".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Lobbying Disclosure Act of 1995".

SEC. 2. DEFINITION OF COVERED EXECUTIVE BRANCH OFFICICAL.

Section 3(3)(F) (2 U.S.C. 1602(3)(F)) is amended by striking "7511(b)(2)" and inserting "7511(b)(2)(B)".

SEC. 3. CLARIFICATION OF EXCEPTION TO LOBBYING CONTACT.

(a) CERTAIN COMMUNICATIONS.—Section 3(8)(B)(ix) (2 U.S.C. 1602(8)(B)(ix)) is amended by inserting before the semicolon the following: ", including any communication compelled by a Federal contract, grant, loan, permit, or license".

(b) DEFINITION OF "PUBLIC OFFICIAL".—Section 3(15)(F) (2 U.S.C. 1602(15)(F)) is amended by inserting ", or a group of governments acting together as an international organization" before the period.

SEC. 4. INTERESTS.

(a) SECTION 4.—Section 4(b)(4)(C) (2 U.S.C. 1603(b)(4)(C)) is amended by striking "direct interest" and inserting "significant direct interest".

(b) SECTION 5.—Section 5(b)(2)(D) (2 U.S.C. 1604(b)(2)(D)) is amended by striking "of the interest, if any," and inserting "of any significant direct interest".

(c) SECTION 14.—Section 14 (2 U.S.C. 1609) is amended—

(1) in subsection (a)(2), by striking "a direct interest" and inserting "a significant direct interest"; and

(2) in subsection (b)(2), by striking "a direct interest" and inserting "a significant direct interest".

SEC. 5. ESTIMATES BASED ON TAX REPORTING SYSTEM.

(a) SECTION 15(a).—Section 15(a) (2 U.S.C. 1601 (a)) is amended—

(1) by striking "A registrant" and inserting "A person, other than a lobbying firm,"; and

(2) by amending paragraph (2) to read as follows:

"(2) for all other purposes consider as lobbying contacts and lobbying activities only—

"(A) lobbying contacts with covered legislative branch officials (as defined in section 3(4)) and lobbying activities in support of such contacts; and

"(B) lobbying of Federal executive branch officials to the extent that such activities are influencing legislation as defined in section 4911(d) of the Internal Revenue Code of 1986.".

(b) SECTION 15(b).—Section 15(b) (2 U.S.C. 1610(b)) is amended—

(1) by striking "A registrant that is subject to" and inserting "A person, other than a lobbying firm, who is required to account and does account for lobbying expenditures pursuant to"; and

(2) by amending paragraph (2) to read as follows:

(2) for all other purposes consider as lobbying contacts and lobbying activities only—

"(A) lobbying contacts with covered legislative branch officials (as defined in section 3(4)) and lobbying activities in support of such contacts; and

"(B) lobbying of Federal executive branch officials to the extent that amounts paid or costs incurred in connection with such activities are not deductible pursuant to section 162(e) of the Internal Revenue Code of 1986.".

(c) SECTION 5(C).—Section 5(c) (2 U.S.C. 1604(c)) is amended by striking paragraph (3).

SEC. 6. DISCLOSURE OF INDIVIDUAL REGISTERED LOBBYISTS.

Section 5(b) (2 U.S.C. 1604(b))—

(1) in paragraph (2), by inserting "and" at the end of subparagraph (B), by striking subparagraph (C), and by redesignating subparagraph (D) as subparagraph (C), and

(2) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively, and by adding after paragraph (1) the following:

"(2) a list of employees of the registrant who acted as lobbyists on behalf of the client during the semi-annual reporting period;".

SEC. 7. EXEMPTION BASED ON REGISTRATION UNDER LOBBYING ACT.

Section 3(h) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 613(h)) is amended by striking "is required to register and does register" and inserting "has engaged in lobbying activities and has registered".

SEC. 8. FURNISHING INFORMATION.

(a) INFORMATION TO AGENCY OR OFFICIAL OF GOVERNMENT.—Section 4(e) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 614(e)) is amended—

(1) by striking "political propaganda" and inserting" informational materials"; and

(2) by striking "the propaganda" and inserting "the informational materials".

(b) REPORTS.—Section 11 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 621) is amended by striking "political propaganda" and inserting "informational materials".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. HOKE] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. HOKE].

GENERAL LEAVE

Mr. HOKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 3435, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HOKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3435, the Lobbying Disclosure Technical Amendments Act of 1996 addresses several technical issues which have been raised during the initial months of implementation of the Lobbying Disclosure Act of 1995. The amendments made by the bill will strengthen what is already widely viewed as a significant and successful law.

The Lobbying Disclosure Act of 1995 was the first substantive reform in the laws governing lobbying disclosure since the Federal Regulation of Lobbying Act of 1946. This reform was necessary due to the Supreme Court's narrow construction of the 1946 Regulation of Lobbying Act in United States versus Harriss which effectively eviscerated that act. Last fall, this House passed this landmark legislation in identical form to the Senate-passed language. This action enabled the 104th Congress to send the bill directly to the President, thus passing the first meaningful lobbying disclosure legislation in over 40 years.

Section 2 of the bill would clarify the definition of a covered executive branch official under the act. Section 3 of the bill would add a clarification of the exception to a lobbying contact so that any communication compelled by a Federal contract, grant, loan, permit or license would not be considered a lobbying contact. Section 3 also would make plain that groups of governments acting together as international organizations would not be required to register under the Lobbying Disclosure Act. Section 4 of the bill would clarify what a "direct interest" is when a registrant has an affiliation with a foreign interest.

In addition, section 5 of the bill would clarify how estimates based on the tax reporting system can an should be used in relation to reporting lobbying expenses. This section also would provide that registrants engaging in executive branch lobbying and who make a section 15 election must use the Tax Code uniformly for all of their executive branch lobbying registration and reporting under the act.

Section 6 of the bill would make the reporting requirement of the act consistent with the registration requirement by eliminating the duplicative reporting requirement of maintaining a list of lobbyists for each general issue area under the act. This section would make uniform the registration requirement that the name of each employee of the registrant who acts as a lobbyist on behalf of a client be disclosed in a similar fashion in the registration's semiannual reports.

Moreover, section 7 of H.R. 3435 would clarify the original intent of the act by providing that anyone engaged in even a de minimis level of lobbying activities on behalf of a foreign commercial entity can register under the Lobbying Disclosure Act rather than the Foreign Agents Registration Act of 1938. This change would reaffirm the Congressional intent of requiring disclosure of foreign non-government representations under the Lobbying Disclosure Act and disclosure of foreign governmental representations under the Foreign Agents Registration Act.

Finally Mr. Speaker, section 8 of the bill would make a purely technical change to the Foreign Agents Registration Act by striking the term "political propaganda" and inserting in its place "informational materials." The changes made by section 8 would complete the changes made to the terminology that were first made in the Lobbying Disclosure Act.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3435. Last session, with strong bipartisan support, this Congress passed a major overhaul of the lobbying disclosure rules which require the reporting of meaningful and important information from registered lobbyists.

Since the passage of that measure, the Secretary of the Senate and the Clerk of the House have worked hard to provide the specific rules to implement this legislation. During the course of the promulgation of the rules, suggestions have been made to improve and in some cases strengthen the reporting requirements of the Lobbying Disclosure Act of 1995.

Further suggestions have been made to simplify what in this case may have been duplicative and burdensome requirements on some not-for-profit institutions.

Mr. Speaker, the technical amendments in today's bill reflect those improvements.

□ 1430

We have corrected unnecessary requirements, we have provided fairness for those whose lobbying efforts are negligible, and we have streamlined the duplicative reporting requirements.

The measure was passed out of the Committee on the Judiciary unanimously, and I urge its passage today under the suspension of the rules.

Mr. Speaker, I yield back the balance of my time.

Mr. HOKE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from Ohio [Mr. HOKE] that the House suspend the rules and pass the bill, H.R. 3435, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GRANTING CONSENT OF CONGRESS TO JENNINGS RANDOLPH LAKE PROJECT

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 113) granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake project lying in Garrett County, MD, and Mineral County, WV, entered into between the States of West Virginia and Maryland.

The Clerk read as follows:

H.J. RES. 113

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

The Congress hereby consents to the Jennings Randolph Lake Project Compact entered into between the States of West Virginia and Maryland which compact is substantially as follows:

"COMPACT

"Whereas the State of Maryland and the State of West Virginia, with the concurrence of the United States Department of the Army, Corps of Engineers, have approved and desire to enter into a compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, for which they seek the approval of Congress, and which compact is as follows:

"Whereas the signatory parties hereto desire to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, for which they have a joint responsibility; and they declare as follows:

"1. The Congress, under Public Law 87–874, authorized the development of the Jennings Randolph Lake Project for the North Branch of the Potomac River substantially in accordance with House Document Number 469, 87th Congress, 2nd Session for flood control, water supply, water quality, and recreation; and

"2. Section 4 of the Flood Control Act of 1944 (Ch 665, 58 Stat. 534) provides that the Chief of Engineers, under the supervision of the Secretary of War (now Secretary of the Army), is authorized to construct, maintain, and operate public park and recreational facilities in reservoir areas under control of such Secretary for the purpose of boating, swimming, bathing, fishing, and other recreational purposes, so long as the same is not inconsistent with the laws for the protection of fish and wildlife of the State(s) in which such area is situated; and

"3. Pursuant to the authorities cited above, the U.S. Army Engineer District (Baltimore), hereinafter 'District', did construct and now maintains and operates the Jennings Randolph Lake Project; and

"4. The National Environmental Policy Act of 1969 (P.L. 91–190) encourages productive and enjoyable harmony between man and his environment, promotes efforts which will stimulate the health and welfare of man, and encourages cooperation with State and local governments to achieve these ends; and

"5. The Fish and Wildlife Coordination Act (16 U.S.C. 661–666c) provides for the consideration and coordination with other features of water-resource development programs through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation; and

"6. The District has Fisheries and Wildlife Plans as part of the District's project Operational Management Plan; and

"7. In the respective States, the Maryland Department of Natural Resources (hereinafter referred to as 'Maryland DNR') and the West Virginia Division of Natural Resources (hereinafter referred to as 'West Virginia DNR') are responsible for providing a system of control, propagation, management, protection, and regulation of natural resources and boating in Maryland and West Virginia and the enforcement of laws and regulations pertaining to those resources as provided in Annotated Code of Maryland Natural Resources Article and West Virginia Chapter 20, respectively, and the successors thereof; and

"8. The District, the Maryland DNR, and the West Virginia DNR are desirous of conserving, perpetuating and improving fish and wildlife resources and recreational benefits of the Jennings Randolph Lake Project; and

"9. The District and the States of Maryland and West Virginia wish to implement the aforesaid acts and responsibilities through this Compact and they each recognize that consistent enforcement of the natural resources and boating laws and regulations can best be achieved by entering this Compact:

"Now, therefore, be it *Resolved*, That the States of Maryland and West Virginia, with the concurrence of the United States Department of the Army, Corps of Engineers, hereby solemnly covenant and agree with each other, upon enactment of concurrent legislation by The Congress of the United States and by the respective state legislatures, to the Jennings Randolph Lake Project Compact, which consists of this preamble and the articles that follow:

"Article I—Name, Findings, and Purpose

"1.1 This compact shall be known and may be cited as the Jennings Randolph Lake Project Compact.

"1.2 The legislative bodies of the respective signatory parties, with the concurrence of the U.S. Army Corps of Engineers, hereby find and declare:

"1. The water resources and project lands of the Jennings Randolph Lake Project are affected with local, state, regional, and national interest, and the planning, conservation, utilization, protection and management of these resources, under appropriate arrangements for inter-governmental cooperation, are public purposes of the respective signatory parties.

"2. The lands and waters of the Jennings Randolph Lake Project are subject to the sovereign rights and responsibilities of the signatory parties, and it is the purpose of this compact that, notwithstanding any boundary between Maryland and West Virginia that preexisted the creation of Jennings Randolph Lake, the parties will have and exercise concurrent jurisdiction over any lands and waters of the Jennings Randolph Lake Project concerning natural resources and boating laws and regulations in the common interest of the people of the region.

"Article II—District Responsibilities

"The District, within the Jennings Randolph Lake Project,

"2.1 Acknowledges that the Maryland DNR and West Virginia DNR have authorities and responsibilities in the establishment, administration and enforcement of the natural resources and boating laws and regulations applicable to this project, provided that the laws and regulations promulgated by the States support and implement, where applicable, the intent of the Rules and Regulations Governing Public Use of Water Resources Development Projects administered by the Chief of Engineers in Title 36, Chapter RI, Part 327, Code of Federal Regulations,

"2.2 Agrees to practice those forms of resource management as determined jointly by the District, Maryland DNR and West Virginia DNR to be beneficial to natural resources and which will enhance public recreational opportunities compatible with other authorized purposes of the project,

"2.3 Agrees to consult with the Maryland DNR and West Virginia DNR prior to the issuance of any permits for activities or special events which would include, but not necessarily be limited to: fishing tournaments, training exercises, regattas, marine parades, placement of ski ramps, slalom water ski courses and the establishment of private markers and/or lighting. All such permits issued by the District will require the permittee to comply with all State laws and regulations,

"2.4 Agrees to consult with the Maryland DNR and West Virginia DNR regarding any recommendations for regulations affecting natural resources, including, but not limited to, hunting, trapping, fishing or boating at the Jennings Randolph Lake Project which the District believes might be desirable for reasons of public safety, administration of public use and enjoyment,

"2.5 Agrees to consult with the Maryland DNR and West Virginia DNR relative to the marking of the lake with buoys, aids to navigation, regulatory markers and establishing and posting of speed limits, no wake zones, restricted or other control areas and to provide, install and maintain such buoys, aids to navigation and regulatory markers as are necessary for the implementation of the District's Operational Management Plan. All buoys, aids to navigation and regulatory markers to be used shall be marked in conformance with the Uniform State Waterway Marking System,

"2.6 Agrees to allow hunting, trapping, boating and fishing by the public in accordance with the laws and regulations relating to the Jennings Randolph Lake Project,

"2.7 Agrees to provide, install and maintain public ramps, parking areas, courtesy docks, etc., as provided for by the approved Corps of Engineers Master Plan, and

"2.8 Agrees to notify the Maryland DNR and the West Virginia DNR of each reservoir drawdown prior thereto excepting drawdown for the reestablishment of normal lake levels following flood control operations and drawdown resulting from routine water control management operations described in the reservoir regulation manual including releases requested by water supply owners and normal water quality releases. In case of emergency releases or emergency flow curtailments, telephone or oral notification will be provided. The District reserves the right, following issuance of the above notice, to make operational and other tests which may be necessary to insure the safe and efficient operation of the dam, for inspection and maintenance purposes, and for the gathering of water quality data both within the impoundment and in the Potomac River downstream from the dam.

"Article III—State Responsibilities

"The State of Maryland and the State of West Virginia agree:

"3.1 That each State will have and exercise concurrent jurisdiction with the District and the other State for the purpose of enforcing the civil and criminal laws of the respective States pertaining to natural resources and boating laws and regulations over any lands and waters of the Jennings Randolph Lake Project;

"3.2 That existing natural resources and boating laws and regulations already in effect in each State shall remain in force on the Jennings Randolph Lake Project until either State amends, modifies or rescinds its laws and regulations;

"3.3 That the Agreement for Fishing Privileges dated June 24, 1985 between the State of Maryland and the State of West Virginia, as amended, remains in full force and effect;

"3.4 To enforce the natural resources and boating laws and regulations applicable to the Jennings Randolph Lake Project;

"3.5 To supply the District with the name, address and telephone number of the person(s) to be contacted when any drawdown except those resulting from normal regulation procedures occurs;

"3.6 To inform the Reservoir Manager of all emergencies or unusual activities occurring on the Jennings Randolph Lake Project;

"3.7 To provide training to District employees in order to familiarize them with natural resources and boating laws and regulations as they apply to the Jennings Randolph Lake Project; and

"3.8 To recognize that the District and other Federal Agencies have the right and responsibility to enforce, within the boundaries of the Jennings Randolph Lake Project, all applicable Federal laws, rules and regulations so as to provide the public with safe and healthful recreational opportunities and to provide protection to all federal property within the project.

"Article IV—Mutual Cooperation

"4.1 Pursuant to the aims and purposes of this Compact, the State of Maryland, the State of West Virginia and the District mutually agree that representatives of their natural resource management and enforcement agencies will cooperate to further the purposes of this Compact. This cooperation includes, but is not limited to, the following:

"4.2 Meeting jointly at least once annually, and providing for other meetings as deemed necessary for discussion of matters relating to the management of natural resources and visitor use on lands and waters within the Jennings Randolph Lake Project;

"4.3 Evaluating natural resources and boating, to develop natural resources and boating management plans and to initiate and carry out management programs;

"4.4 Encouraging the dissemination of joint publications, press releases or other public information and the interchange between parties of all pertinent agency policies and objectives for the use and perpetuation of natural resources of the Jennings Randolph Lake Project; and

"4.5 Entering into working arrangements as occasion demands for the use of lands, waters, construction and use of buildings and other facilities at the project.

"Article V—General Provisions

"5.1 Each and every provision of this Compact is subject to the laws of the States of Maryland and West Virginia and the laws of the United States, and the delegated authority in each instance.

"5.2 The enforcement and applicability of natural resources and boating laws and regulations referenced in this Compact shall be limited to the lands and waters of the Jennings Randolph Lake Project, including but not limited to the prevailing reciprocal fishing laws and regulations between the States of Maryland and West Virginia.

"5.3 Nothing in this Compact shall be construed as obligating any party hereto to the expenditure of funds or the future payment of money in excess of appropriations authorized by law.

"5.4 The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision of the Jennings Randolph Lake Project Compact is declared to be unconstitutional or inapplicable to any signatory party or agency of any party, the constitutionality and applicability of the Compact shall not be otherwise affected as to any provision, party, or agency. It is the legislative intent that the provisions of the Compact be reasonably and liberally construed to effectuate the stated purposes of the Compact.

"5.5 No member of or delegate to Congress, or signatory shall be admitted to any share or part of this Compact, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

"5.6 When this Compact has been ratified by the legislature of each respective State, when the Governor of West Virginia and the Governor of Maryland have executed this Compact on behalf of their respective States and have caused a verified copy thereof to be filed with the Secretary of State of each respective State, when the Baltimore District of the U.S. Army Corps of Engineers has executed its concurrence with this Compact, and when this Compact has been consented to by the Congress of the United States, then this Compact shall become operative and effective.

"5.7 Either State may, by legislative act, after one year's written notice to the other, withdraw from this Compact. The U.S. Army Corps of Engineers may withdraw its concurrence with this Compact upon one year's written notice from the Baltimore District Engineer to the Governor of each State.

"5.8 This Compact may be amended from time to time. Each proposed amendment shall be presented in resolution form to the Governor of each State and the Baltimore District Engineer of the U.S. Army Corps of Engineers. An amendment to this Compact shall become effective only after it has been ratified by the legislatures of both signatory States and concurred in by the U.S. Army Corps of Engineers, Baltimore District. Amendments shall become effective thirty days after the date of the last concurrence or ratification.".

SEC. 2. The right to alter, amend or repeal this joint resolution is hereby expressly reserved. The consent granted by this joint resolution shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of the compact.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution, which passed the Committee on the Judiciary by a vote of 25 to 0.

This is a compact, Mr. Speaker, and we have learned rather continuously during our service in Congress that many times when one State wants to enter into an agreement with another or with more than one other, that that immediately engages the Constitution of the United States because any agreement that is reached between two or more States has to be, in effect, ratified by the Congress of the United States.

This particular compact which we discuss here today is one entered into between West Virginia and Maryland, and it has to do with the lake project, the Jennings Randolph Lake project, which lies in Garrett County, MD, and Mineral County, WV.

Mr. Speaker, the lake that is extant in this region between the two States at one time contained, and still does, the unseen invisible border line between the two States. So one can see that if any one of the States want to do anything with the lake or the other, then a question arises which side of the border in the middle of the lake, where does West Virginia begin and Maryland end, et cetera?

Well, they worked out a wonderful agreement in order to correct mine drainage problems and improve waste treatment and municipal and industrial point sources, and the border line in the middle of the lake has become moot because of a contract, and now we here in the Congress are ready to concur in their agreement.

So all these civil and criminal laws of the respective States concerning natural resources and boating, consideration of other factors, all of that will be wrapped up in the agreement which we ratify here today.

I urge adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr Speaker, House Joint Resolution 113, introduced by the gentleman from West Virginia [Mr. MOLLOHAN] and the gentleman from Maryland [Mr. BARTLETT] would grant the consent of Congress to a compact between the States of Maryland and West Virginia providing for joint natural resource management and law enforcement at Jennings Randolph Lake. The lake was created out of a branch of the Potomac River on the border of the two States by a U.S. Army Corps of Engineers project, and, according to testimony received by the Committee on the Judiciary, the lack of a clear boundary has hampered policing and resource management efforts, and the need for this type of cooperation between the States is particularly acute during the peak summer months.

The other body, Mr. Speaker, approved a companion measure by unanimous consent.

I know of no opposition to this measure and urge its adoption by the House.

Mr. Speaker, I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 113.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

Mr. GEKAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution

(S.J. Res. 20) granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, entered into between the States of West Virginia and Maryland, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the Senate joint resolution is as follows:

S.J. RES. 20

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

The Congress hereby consents to the Jennings Randolph Lake Project Compact entered into between the States of West Virginia and Maryland which compact is substantially as follows:

"COMPACT

"Whereas the State of Maryland and the State of West Virginia, with the concurrence of the United States Department of the Army, Corps of Engineers, have approved and desire to enter into a compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, for which they seek the approval of Congress, and which compact is as follows:

"Whereas the signatory parties hereto desire to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, for which they have a joint responsibility; and they declare as follows:

"1. The Congress, under Public Law 87-874, authorized the development of the Jennings Randolph Lake Project for the North Branch of the Potomac River substantially in accordance with House Document Number 469, 87th Congress, 2nd Session for flood control, water supply, water quality, and recreation; and

"2. Section 4 of the Flood Control Act of 1944 (Ch 665, 58 Stat. 534) provides that the Chief of Engineers, under the supervision of the Secretary of War (now Secretary of the Army), is authorized to construct, maintain and operate public park and recreational facilities in reservoir areas under control of such Secretary for the purpose of boating, swimming, bathing, fishing, and other recreational purposes, so long as the same is not inconsistent with the laws for the protection of fish and wildlife of the State(s) in which such area is situated; and

"3. Pursuant to the authorities cited above, the U.S. Army Engineer District (Baltimore), hereinafter 'District', did construct and now maintains and operates the Jennings Randolph Lake Project; and

"4. The National Environmental Policy Act of 1969 (P.L. 91-190) encourages productive and enjoyable harmony between man and his environment, promotes efforts which will stimulate the health and welfare of man, and encourages cooperation with State and local governments to achieve these ends; and

"5. The Fish and Wildlife Coordination Act (16 U.S.C. 661-666c) provides for the consideration and coordination with other features of water-resource development programs through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation; and

"6. The District has Fisheries and Wildlife Plans as part of the District's project Operational Management Plan; and

"7. In the respective States, the Maryland Department of Natural Resources (hereinafter referred to as 'Maryland DNR') and the West Virginia Division of Natural Resources (hereinafter referred to as 'West Virginia DNR') are responsible for providing a system of control, propagation, management, protection, and regulation of natural resources and boating in Maryland and West Virginia and the enforcement of laws and regulations pertaining to those resources as provided in Annotated Code of Maryland Natural Resources Article and West Virginia Chapter 20, respectively, and the successors thereof; and

"8. The District, the Maryland DNR, and the West Virginia DNR are desirous of conserving, perpetuating and improving fish and wildlife resources and recreational benefits of the Jennings Randolph Lake Project; and

"9. The District and the States of Maryland and West Virginia wish to implement the aforesaid acts and responsibilities through this Compact and they each recognize that consistent enforcement of the natural resources and boating laws and regulations can best be achieved by entering this Compact:

"Now, therefore, be it *Resolved*, That the States of Maryland and West Virginia, with the concurrence of the United States Department of the Army, Corps of Engineers, hereby solemnly covenant and agree with each other, upon enactment of concurrent legislation by The Congress of the United States and by the respective state legislatures, to the Jennings Randolph Lake Project Compact, which consists of this preamble and the articles that follow:

"Article I—Name, Findings, and Purpose

"1.1 This compact shall be known and may be cited as the Jennings Randolph Lake Project Compact.

"1.2 The legislative bodies of the respective signatory parties, with the concurrence of the U.S. Army Corps of Engineers, hereby find and declare:

"1. The water resources and project lands of the Jennings Randolph Lake Project are affected with local, state, regional, and national interest, and the planning, conservation, utilization, protection and management of these resources, under appropriate arrangements for inter-governmental cooperation, are public purposes of the respective signatory parties.

"2. The lands and waters of the Jennings Randolph Lake Project are subject to the sovereign rights and responsibilities of the signatory parties, and it is the purpose of this compact that, notwithstanding any boundary between Maryland and West Virginia that preexisted the creation of Jennings Randolph Lake, the parties will have and exercise concurrent jurisdiction over any lands and waters of the Jennings Randolph Lake Project concerning natural resources and boating laws and regulations in the common interest of the people of the region.

"Article II—District Responsibilities

"The District, within the Jennings Randolph Lake Project,

"2.1 Acknowledges that the Maryland DNR and West Virginia DNR have authorities and responsibilities in the establishment, administration and enforcement of the natural resources and boating laws and regulations applicable to this project, provided that the laws and regulations promulgated by the States support and implement, where applicable, the intent of the Rules and Regulations Governing Public Use of Water Resources Development Projects administered by the Chief of Engineers in Title 36, Chapter RI, Part 327, Code of Federal Regulations,

"2.2 Agrees to practice those forms of resource management as determined jointly by the District, Maryland DNR and West Virginia DNR to be beneficial to natural resources and which will enhance public recreational opportunities compatible with other authorized purposes of the project,

"2.3 Agrees to consult with the Maryland DNR and West Virginia DNR prior to the issuance of any permits for activities or special events which would include, but not necessarily be limited to: fishing tournaments, training exercises, regattas, marine parades, placement of ski ramps, slalom water ski courses and the establishment of private markers and/or lighting. All such permits issued by the District will require the permittee to comply with all State laws and regulations,

"2.4 Agrees to consult with the Maryland DNR and West Virginia DNR regarding any recommendations for regulations affecting natural resources, including, but not limited to, hunting, trapping, fishing or boating at the Jennings Randolph Lake Project which the District believes might be desirable for reasons of public safety, administration of public use and enjoyment,

"2.5 Agrees to consult with the Maryland DNR and West Virginia DNR relative to the marking of the lake with buoys, aids to navigation, regulatory markers and establishing and posting of speed limits, no wake zones, restricted or other control areas and to provide, install and maintain such buoys, aids to navigation and regulatory markers as are necessary for the implementation of the District's Operational Management Plan. All buoys, aids to navigation and regulatory markers to be used shall be marked in conformance with the Uniform State Waterway Marking System,

"2.6 Agrees to allow hunting, trapping, boating and fishing by the public in accordance with the laws and regulations relating to the Jennings Randolph Lake Project,

"2.7 Agrees to provide, install and maintain public ramps, parking areas, courtesy docks, etc., as provided for by the approved Corps of Engineers Master Plan, and

"2.8 Agrees to notify the Maryland DNR and the West Virginia DNR of each reservoir drawdown prior thereto excepting drawdown for the reestablishment of normal lake levels following flood control operations and drawdown resulting from routine water control management operations described in the reservoir regulation manual including releases requested by water supply owners and normal water quality releases. In case of emergency releases or emergency flow curtailments, telephone or oral notification will be provided. The District reserves the right, following issuance of the above notice, to make operational and other tests which may be necessary to insure the safe and efficient operation of the dam, for inspection and maintenance purposes, and for the gathering of

water quality data both within the impoundment and in the Potomac River downstream from the dam.

"Article III—State Responsibilities

"The State of Maryland and the State of West Virginia agree:

"3.1 That each State will have and exercise concurrent jurisdiction with the District and the other State for the purpose of enforcing the civil and criminal laws of the respective States pertaining to natural resources and boating laws and regulations over any lands and waters of the Jennings Randolph Lake Project;

"3.2 That existing natural resources and boating laws and regulations already in effect in each State shall remain in force on the Jennings Randolph Lake Project until either State amends, modifies or rescinds its laws and regulations;

"3.3 That the Agreement for Fishing Privileges dated June 24, 1985 between the State of Maryland and the State of West Virginia, as amended, remains in full force and effect;

"3.4 To enforce the natural resources and boating laws and regulations applicable to the Jennings Randolph Lake Project;

"3.5 To supply the District with the name, address and telephone number of the person(s) to be contacted when any drawdown except those resulting from normal regulation procedures occurs;

"3.6 To inform the Reservoir Manager of all emergencies or unusual activities occurring on the Jennings Randolph Lake Project;

"3.7 To provide training to District employees in order to familiarize them with natural resources and boating laws and regulations as they apply to the Jennings Randolph Lake Project; and

"3.8 To recognize that the District and other Federal Agencies have the right and responsibility to enforce, within the boundaries of the Jennings Randolph Lake Project, all applicable Federal laws, rules and regulations so as to provide the public with safe and healthful recreational opportunities and to provide protection to all federal property within the project.

"Article IV—Mutual Cooperation

"4.1 Pursuant to the aims and purposes of this Compact, the State of Maryland, the State of West Virginia and the District mutually agree that representatives of their natural resource management and enforcement agencies will cooperate to further the purposes of this Compact. This cooperation includes, but is not limited to, the following:

"4.2 Meeting jointly at least once annually, and providing for other meetings as deemed necessary for discussion of matters relating to the management of natural resources and visitor use on lands and waters within the Jennings Randolph Lake Project;

"4.3 Evaluating natural resources and boating, to develop natural resources and boating management plans and to initiate and carry out management programs;

"4.4 Encouraging the dissemination of joint publications, press releases or other public information and the interchange between parties of all pertinent agency policies and objectives for the use and perpetuation of natural resources of the Jennings Randolph Lake Project; and

"4.5 Entering into working arrangements as occasion demands for the use of lands, waters, construction and use of buildings and other facilities at the project.

"Article V—General Provisions

"5.1 Each and every provision of this Compact is subject to the laws of the States of Maryland and West Virginia and the laws of the United States, and the delegated authority in each instance.

"5.2 The enforcement and applicability of natural resources and boating laws and regulations referenced in this Compact shall be limited to the lands and waters of the Jennings Randolph Lake Project, including but not limited to the prevailing reciprocal fishing laws and regulations between the States of Maryland and West Virginia.

"5.3 Nothing in this Compact shall be construed as obligating any party hereto to the expenditure of funds or the future payment of money in excess of appropriations authorized by law.

"5.4 The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision of the Jennings Randolph Lake Project Compact is declared to be unconstitutional or inapplicable to any signatory party or agency of any party, the constitutionality and applicability of the Compact shall not be otherwise affected as to any provision, party, or agency. It is the legislative intent that the provisions of the Compact be reasonably and liberally construed to effectuate the stated purposes of the Compact.

"5.5 No member of or delegate to Congress, or signatory shall be admitted to any share or part of this Compact, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

"5.6 When this Compact has been ratified by the legislature of each respective State, when the Governor of West Virginia and the Governor of Maryland have executed this Compact on behalf of their respective States and have caused a verified copy thereof to be filed with the Secretary of State of each respective State, when the Baltimore District of the U.S. Army Corps of Engineers has executed its concurrence with this Compact, and when this Compact has been consented to by the Congress of the United States, then this Compact shall become operative and effective.

"5.7 Either State may, by legislative act, after one year's written notice to the other, withdraw from this Compact. The U.S. Army Corps of Engineers may withdraw its concurrence with this Compact upon one year's written notice from the Baltimore District Engineer to the Governor of each State.

"5.8 This Compact may be amended from time to time. Each proposed amendment shall be presented in resolution form to the Governor of each State and the Baltimore District Engineer of the U.S. Army Corps of Engineers. An amendment to this Compact shall become effective only after it has been ratified by the legislatures of both signatory States and concurred in by the U.S. Army Corps of Engineers, Baltimore District. Amendments shall become effective thirty days after the date of the last concurrence or ratification.".

SEC. 2. The right to alter, amend or repeal this joint resolution is hereby expressly reserved. The consent granted by this joint resolution shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of the compact.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 113) was laid on the table.

GRANTING CONSENT OF CONGRESS TO MUTUAL AID AGREEMENT BETWEEN BRISTOL, VA, AND BRISTOL, TN

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 166) granting the consent of Congress to the mutual aid agreement between the city of Bristol, VA, and the city of Bristol, TN.

The Clerk read as follows:

H.J. RES. 166

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

The Congress consents to the Mutual Aid Agreement entered into between the city of Bristol, Virginia, and the city of Bristol, Tennessee. The agreement reads as follows:

"THIS MUTUAL AID AGREEMENT, made and entered into by and between the CITY OF BRISTOL VIRGINIA, a municipality incorporated under the laws of the Commonwealth of Virginia (hereinafter 'Bristol Virginia'); and the CITY OF BRISTOL TENNESSEE, a municipality incorporated under the laws of the State of Tennessee (hereinafter 'Bristol Tennessee').

"WITNESSETH:

"WHEREAS, Section 15.1–131 of the Code of Virginia and Sections 6–54–307 and 12–9–101 et seq. of the Tennessee Code Annotated authorize Bristol Virginia and Bristol Tennessee to enter into an agreement providing for mutual law enforcement assistance;

"WHEREAS, the two cities desire to avail themselves of the authority conferred by these respective laws;

"WHEREAS, it is the intention of the two cities to enter into mutual assistance commitments with a pre-determined plan by which each city might render aid to the other in case of need, or in case of an emergency which demands law enforcement services to a degree beyond the existing capabilities of either city; and,

"WHEREAS, it is in the public interest of each city to enter into an agreement for mutual assistance in law enforcement to assure adequate protection for each city.

"NOW, THEREFORE, for and in consideration of the mutual promises and the benefits to be derived therefrom, the City of Bristol Virginia and the City of Bristol Tennessee agree as follows:

"1. Each city will respond to calls for law enforcement assistance by the other city only upon request for such assistance made by the senior law enforcement officer on duty for the requesting city, or his designee, in accordance with the terms of this Agreement. All requests for law enforcement assistance shall be directed to the senior law enforcement officer on duty for the city from which aid is requested.

"2. Upon request for law enforcement assistance as provided in Paragraph 1, the senior law enforcement officer on duty in the responding city will authorize a response as follows:

"a. The responding city will attempt to provide at least the following personnel and equipment in response to the request:

"(1) A minimum response of one vehicle and one person.

"(2) A maximum response of fifty percent (50%) of available personnel and resources.

"b. The response will be determined by the severity of the circumstances in the requesting city which prompted such request as determined by the senior law enforcement officer on duty in the responding city after discussion with the senior law enforcement officer on duty in the requesting city. Any decision reached by such senior officer of the responding city as to such response shall be final.

"c. If an emergency exists in the responding city at the time the request is made, or if such an emergency occurs during the course of responding to a request under this Agreement, and if the senior law enforcement officer on duty in the responding city reasonably determines, after a consideration of the severity of the emergency in his jurisdiction, that the responding city cannot comply with the minimal requirements under this Agreement without endangering life or incurring significant property damage in his city, or both, he may choose to use all equipment and personnel in his own jurisdiction. In such event, such officer of the responding city shall immediately attempt to inform the senior law enforcement officer on duty in the requesting city of his decision.

"3. The city which requests mutual aid under this Agreement shall not be deemed liable or responsible for the equipment and other personal property of personnel of the responding city which might be lost, stolen or damaged during the course of responding under the terms of this Agreement.

"4. The city responding to a request for mutual aid under this Agreement assumes all liabilities and responsibility as between the two cities for damage to its own equipment and other personal property. The responding city also assumes all liability and responsibility, as between the two cities, for any damage caused by its own equipment and/or the negligence of its personnel occurring outside the jurisdiction of the requesting city while en route thereto pursuant to a request for assistance under this Agreement, or while returning therefrom.

"5. The city responding under this Agreement assumes no responsibility or liability for damage to property or injury to any person that may occur due to actions taken in responding under this Agreement; all such liability and responsibility shall rest solely with the city requesting such aid and within which boundaries the property exists or the incident occurs, and the requesting party hereby assumes all of such liability and responsibility.

"6. Each city hereby waives any and all claims against the other city which may arise out of their activities in the other city's jurisdiction under this Agreement. To the extent permitted by law, the city requesting assistance under this Agreement shall indemnify and hold harmless the responding city (and its officers, agents and employees) from any and all claims by third parties for property damage or personal injury which may arise out of the activities of the responding city within the jurisdiction of the requesting city under this Agreement.

"7. The city responding to a request for assistance under this Agreement assumes no responsibility or liability for damage to property or injury to any person that may occur within the jurisdiction of the requesting city due to actions taken in responding under this Agreement. In accordance with Section 15.1–131 of the Code of Virginia and Section 29–20–107(f) of the Tennessee Code Annotated, all personnel of the responding city shall, during such time as they providing assistance in the requesting city under this Agreement, be deemed to be employees of the requesting city for tort liability purposes.

"8. No compensation will be due or paid by either city for mutual aid law enforcement assistance rendered under this Agreement.

"9. Except as provided in Paragraph 7 of this Agreement, neither city will make any claim for compensation against the other city for any loss, damage or personal injury which may occur as a result of law enforcement assistance rendered under this Agreement, and all such rights or claims are hereby expressly waived.

"10. When law enforcement assistance is rendered under this Agreement, the senior law enforcement officer on duty in the requesting city shall in all instances be in commend as to strategy, tactics and overall direction of the operations. All orders or directions regarding the operations of the responding party shall be relayed to the senior law enforcement officer in command of the responding city.

"11. Either city may terminate this Agreement upon sixty (60) days' written notice to the other city.

"12. This Agreement shall take effect upon its execution by the Mayor and Chief of Police for each city after approval of the City Council of each city, and upon its approval by the Congress of the United States as provided in Section 15.1–131 of the Code of Virginia. Each city will promptly submit this Agreement to its respective Congressman and Senators for submission to the Congress.".

SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this joint resolution is hereby expressly reserved by the Congress. The consent granted by this joint resolution shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of the agreement.

SEC. 3. CONSTRUCTION AND SEVERABILITY.

It is intended that the provisions of this agreement shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this agreement, or legislation enabling the agreement, is held invalid, the remainder of the agreement or its application to other situations or persons shall not be affected.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the joint resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, of course I rise in support of House Joint Resolution 166 and urge its adoption by the House. Just as the previous resolution, the Committee on the Judiciary has reported the bill to the House by a unanimous verdict of 25 to nothing. This one has to do with the contract between the cities of Bristol, VA, and Bristol, TN. As my colleagues can imagine, they abut, and the only thing that stands between them is the borderline.

When Tennessee and Virginia saw the need to enter into agreements to provide for mutual law enforcement assistance, they turned to their own bodies, their own legislative bodies, to approve this joint venture, and they did so, and so it comes to us now, as the Constitution, as I have said previously, demands, that the Congress approve the contract and compact between these two States.

The Bristols sit astride the Tennessee-Virginia border, with a total population of approximately 43,000. This mutual aid agreement is one that you might expect would be of considerable benefit for a community in which a State boundary runs along its main street.

The subcommittee was pleased to receive testimony and support of this legislation from our colleagues, the gentleman from Virginia [Mr. BOUCHER], sponsor of the resolution, and the gentleman from Tennessee [Mr. QUILLEN], each of whom presented a portion of the greater Bristol community agreement and who represent their respective portions of Bristol, on both sides of the border.

Mr. Speaker, I urge adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Joint Resolution 166.

Mr. Speaker, House Joint Resolution 166 was introduced by the gentleman from Virginia [Mr. BOUCHER] and the gentleman from Tennessee [Mr. QUILLEN]. It would grant the consent of Congress to a mutual aid agreement between the cities of Bristol, VA, and Bristol, TN, to allow law enforcement officers to respond to calls made by the other city. The State line cuts across Bristol's main thoroughfare, but police officers from Bristol, VA, do not have the legal authority to make arrests or perform other law enforcement activities on the other side of the street in Bristol, TN, and vice versa. This bill allows the cites to remedy that situation, and I commend Mr. BOUCHER and Mr. QUILLEN for their fine work on behalf of their constituents.

The bill was reported, as the gentleman from Pennsylvania [Mr. GEKAS] has indicated, from the Committee on the Joint without opposition, and I urge the support of the bill at this time.

Mr. QUILLEN. Mr. Speaker, I want to commend the Judiciary Committee for expeditiously moving this bill through the legislative process and bringing it to the floor today. I'd also like to thank my good friend from Virginia,

[Mr. BOUCHER] for his leadership and hard work on this bill, and I'm proud to be an original cosponsor of the resolution.

Because our districts border each other, we frequently work together on matters that affect our border cities and constituents. House Joint Resolution 166 grants congressional approval to the mutual aid agreement between the city of Bristol, VA and the city of Bristol, TN.

The Virginia/Tennessee State line cuts right across State Street in Bristol, which is the city's main thoroughfare. Needless to say, there's a great deal of activity along this street, and unfortunately, some of it is criminal activity. There is often jurisdictional confusion and restrictions on law enforcement personnel caused by the location of the State line.

This legislation will allow each city to respond to requests for law enforcement assistance made by the other city. The citizens of Bristol deserve the best police protection available, and this mutual aid agreement will accomplish that goal.

Mr. Speaker, this agreement is authorized under Tennessee and Virginia law, and I hope we can get this resolution approved by both Houses without delay.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 166.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

CONFERRING JURISDICTION WITH RESPECT TO LAND CLAIMS OF ISLETA PUEBLO

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 740) to confer jurisdiction on the U.S. Court of Federal Claims with respect to land claims of Pueblo of Isleta Indian Tribe.

The Clerk read as follows:

H.R. 740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JURISDICTION.

Nothwithstanding sections 2401 and 2501 of title 28, United States Code, and section 12 of the Act of August 13, 1946 (60 Stat. 1052), or any other law which would interpose or support a defense of untimeliness, jurisdiction is hereby conferred upon the United States Court of Federal Claims to hear, determine, and render judgment on any claim by Pueblo of Isleta Indian Tribe of New Mexico against the United States with respect to any lands or interests therein the State of New Mexico or any adjoining State held by aboriginal title or otherwise which were acquired from the tribe without payment of adequate compensation by the United States. As a matter of adequate compensation, the United States Claims Court may award interest at a rate of five percent per year to accrue from the date on which such lands or interests therein were acquired from the tribe by the United States. Such jurisdiction is conferred only with respect to claims accruing on or before August 13, 1946, and all such claims must be filed within three years after the date of enactment of this Act. Such jurisdiction is conferred notwithstanding any failure of the tribe to exhaust any available administrative remedy.

SEC. 2. CERTAIN DEFENSES NOT APPLICABLE.

Any award made to any Indian tribe other than the Pueblo of Isleta Indian Tribe of New Mexico before, on, or after the date of the enactment of this Act under any judgment of the Indian Claims Commission or any other authority with respect to any lands that are the subject of a claim submitted by the tribe under section 1 shall not be considered a defense, estopped, or set-off to such claim, and shall not otherwise affect the entitlement to, or amount of, any relief with respect to such claim.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. SMITH] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SMITH].

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 740, introduced by the gentleman from New Mexico [Mr. SCHIFF] and the gentleman from New Mexico [Mr. SKEEN] would permit the Pueblo of Isleta Indian Tribe to file a claim in the U.S. Court of Federal Claims for certain aboriginal lands acquired from the tribe by the United States. The tribe was erroneously advised by the Bureau of Indian Affairs in regard to this claim, and as a result never filed a claim for aboriginal lands before the expiration of the statute of limitations.

The court's jurisdiction would apply only to claims accruing on or before August 13, 1946, as provided in the Indian Claims Commission Act.

The Pueblo of Isleta Tribe seeks the opportunity to present the merits of its aboriginal land claims, which otherwise would be barred as untimely. The tribe cites numerous precedents for conferring jurisdiction under similar circumstances, such as the case of the Zuni Indian Tribe in 1978.

An identical bill passed the Senate in the 103d Congress, but was not considered by the House. In the 102d Congress, H.R. 1206, amended to the current language, passed the House, but was not considered by the Senate before adjournment. On June 11, 1996, the Judiciary Committee favorably reported this bill by unanimous voice vote.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the bill has been explained that was introduced by the gentleman from New Mexico [Mr. SKEEN] and the gentleman from New Mexico [Mr. SCHIFF]. It is a fair bill, and I would just urge colleagues to support it at this time.

Mr. Speaker, I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I wish to extend my strong support for H.R. 740 which deals with the Pueblo of Isleta Indian land claims. H.R. 740 comes before Congress for a vote which will correct a 45-year-old injustice. In 1951, the Pueblo of Isleta was given erroneous advice by employees of the Bureau of Indian Affairs regarding the nature of the claim the Pueblo could mount under the Indian Claims Commission Act of 1946. This is documented and supported by testimony. The Pueblo was not made aware of the fact that a land claim could be made based upon aboriginal use and occupancy. As a result, it lost the opportunity to make such a claim.

The Pueblo of Isleta was a victim of circumstances beyond its control, and this bill is an opportunity for us to correct this wrong. No expenditure or appropriations of funds are provided for in this bill: only the opportunity for the Pueblo to make a claim for aboriginal lands which the Isletas believe to be rightfully theirs. This bill may be the last chance for the United States to correct an injustice which occurred many years ago because of misinformation from the BIA.

Therefore, I urge my colleagues to support H.R. 740.

Mr. SKEEN. Mr. Speaker, I appreciate the opportunity today to offer my thoughts and comments on H.R. 740, the Pueblo of Isleta Indian Land Claims Act, which would permit the Pueblo of Isleta to file claims for the taking of aboriginal lands under the Indian Claims Commission Act of 1951.

Identical legislation unanimously passed the House in the 102d Congress but was not acted on in the Senate. Interestingly then, in the 103d Congress, the Senate unanimously passed identical legislation but it was never acted on by the House. I am hopeful that we will finally see this legislation passed by both Chambers in the same session of Congress.

In 1978, another New Mexican Indian tribe sought passage of similar legislation. That year, the Congress granted the Zuni tribe an extension of the statute of limitations under the Indian Claims Commission Act so that they could file their claim in court. This is all I seek for the Pueblo of Isleta.

There is further substantial precedent for this legislation beyond the Zuni case mentioned. Also in 1978, legislation was passed into law that authorized the Wichita Indian tribe of Oklahoma to file with the Indian claims commission. In more recent times, Congress passed special legislation allowing the Cow

Creek band in Oregon, the Cherokee Nation of Oklahoma, the Sioux tribes, and the Blackfeet tribes to file claims with the Indian Claims Commission.

In the Zuni and Isleta cases, the pueblos failed to act under the Indian Claims Commission Act because of erroneous advice received from the Bureau of Indian Affairs. Pueblo officials were not informed that a claim under the act could be made based on aboriginal use and occupancy.

The Isleta Pueblo has previously filed a very limited claim under this act. However, their claim was not based on aboriginal use and occupancy. It has been the aboriginal use and occupancy issue which has been the basis for a majority of the Indian tribal claims under the Indian Claims Commission Act. None has been based on a claim founded on specific documentary evidence.

In addition, this legislation contains a provision for the payment of interest, consistent with previously passed legislation. However, it is not automatic; it provides that interest may be awarded at the court's discretion. It seems to me that the payment of interest is an equitable way to compensate the pueblo in lieu of the beneficial use of the land by the pueblo since the land was taken by the Government. If the United States acts as a supreme sovereign and confiscates land, it necessarily violates its fiduciary duty.

I would like to state that this bill does not support the merits of the pueblo's claim which it would lodge in the claims court; it merely grants the opportunity for the pueblo to present the merits of its case in the appropriate judicial forum.

Again, I urge your support of this legislation as we finally try to correct this longstanding injustice.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 740.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WAR CRIMES ACT OF 1996

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3680) to amend title 18, United States Code, to carry out the international obligations of the United States under the Geneva Conventions to provide criminal penalties for certain war crimes.

The Clerk read as follows:

H.R. 3680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "War Crimes Act of 1996".

SEC. 2. CRIMINAL PENALTIES FOR CERTAIN WAR CRIMES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

"CHAPTER 118—WAR CRIMES

"Sec.
"2401. War crimes.

"§ 2401. War crimes

"(a) OFFENSE.—Whoever, whether inside or outside the United States, commits a grave breach of the Geneva Conventions, in any of the circumstances described in subsection (b), shall be fined under this title or imprisoned for life or any term of years, or both, and if death results to the victim, shall also be subject to the penalty of death.

"(b) CIRCUMSTANCES.—The circumstances referred to in subsection (a) are that the person committing such breach or the victim of such breach is a member of the armed forces of the United States or a national of the United States (as defined in section 101 of the Immigration and Nationality Act).

"(c) DEFINITIONS.—As used in this section, the term 'grave breach of the Geneva Conventions' means conduct defined as a grave breach in any of the international conventions relating to the laws of warfare signed at Geneva 12 August 1949 or any protocol to any such convention, to which the United States is a party."

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

"118. War crimes ..... 2401".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. SMITH] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SMITH].

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3680 is designed to implement the Geneva conventions for the protection of victims of war. Our colleague, the gentleman from North Carolina, WALTER JONES, should be commended for introducing this bill and for his dedication to such a worthy goal.

□ 1445

Mr. Speaker, the Geneva Conventions of 1949 codified rules of conduct for military forces to which we have long adhered. In 1955 Deputy Under Secretary of State Robert Murphy testified to the Senate that—

The Geneva Conventions are another long step forward towards mitigating the severity of war on its helpless victims. They reflect enlightened practices as carried out by the United States and other civilized countries, and they represent largely what the United States would do, whether or not a party to the Conventions. Our own conduct has served to establish higher standards and we can only benefit by having them incorporated in a stronger body of wartime law.

Mr. Speaker, the United States ratified the Conventions in 1955. However, Congress has never passed implementing legislation.

The Conventions state that signatory countries are to enact penal legislation punishing what are called grave breaches, actions such as the deliberate killing of prisoners of war, the subjecting of prisoners to biological experiments, the willful infliction of great suffering or serious injury on civilians in occupied territory.

While offenses covering grave breaches can in certain instances be prosecutable under present Federal law, even if they occur overseas, there are a great number of instances in which no prosecution is possible. Such nonprosecutable crimes might include situations where American prisoners of war are killed, or forced to serve in the Army of their captors, or American doctors on missions of mercy in foreign war zones are kidnapped or murdered. War crimes are not a thing of the past, and Americans can all too easily fall victim to them.

H.R. 3680 was introduced in order to implement the Geneva Conventions. It prescribes severe criminal penalties for anyone convicted of committing, whether inside or outside the United States, a grave breach of the Geneva Conventions, where the victim or the perpetrator is a member of our Armed Forces. In future conflicts H.R. 3680 may very well deter acts against Americans that violate the laws of war.

Mr. Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Texas has fully explained, H.R. 3680 implements this country's international obligation under the Geneva Convention which were ratified by the United States in 1955 to protect the victims of war by providing criminal penalties for certain war crimes. Mr. Speaker, this has never been formally enacted by statute, and the bill accomplishes this oversight.

Mr. Speaker, I will not be supporting the legislation because it contains a new provision for the death penalty, but I can say that the bill enjoys broad-based support on this side of the aisle.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I thank my colleague, the gentleman from Virginia, for his comments, and I yield such time as he may consume to the gentleman from North Carolina, Mr. WALTER JONES, my colleague and

friend, and the author of the legislation we are discussing right now.

Mr. JONES. Mr. Speaker, I thank the gentleman from Texas for yielding time to me.

Before I begin, I want to take a moment to thank Chairman SMITH and his subcommittee counsel, George Fishman, for their hard work and efforts to bring this important legislation to the floor today for consideration.

Mr. Speaker, now more than ever, we are sending our men and women to serve in hostile lands, and the specter of war crimes, looms over almost every U.S. military action abroad. As a member of the House National Security Committee, we have the responsibility of providing these service men and women with the best training and equipment available.

But this Congress should not stop there. We must ensure that we also protect the rights of all Americans who are defending the interests of our country abroad.

While it is difficult to believe, in the absence of a military commission or an international criminal tribunal, the United States currently has no means, by which we can try and prosecute perpetrators of war crimes in our courts. The Geneva Convention of 1949 granted the authority to prosecute individuals for committing "grave breaches" of the Geneva Convention, however, the authority was not self-enacting. The Geneva Convention directed each of the participating countries to enact implementing legislation. The United States never did.

Today, it would be possible, to find a known war criminal vacationing in our country, unconcerned with being punished for his crime. A modern-day Adolf Hitler, could move to the United States without worry, as he could not be found guilty in our courts of committing a war crime. We could extradite him or deport him, but we could not try him in America as a war criminal.

It is for these reasons that I have introduced H.R. 3680, the War Crimes Act of 1996. H.R. 3680 will give the United States the legal authority to try and prosecute the perpetrators of war crimes against American citizens. Additionally, those Americans prosecuted will have available all the procedural protections of the American justice system.

I drafted this bill late last year, shortly after I met a gentleman by the name of Capt. Mike Cronin who spent time as an uninvited guest of the "Hanoi Hilton." While serving in Vietnam as an A–6 pilot, Mr. Cronin was shot down and taken prisoner of war. For 6 years he lived in a cage. When he returned, he realized that while he and many others had witnessed war crimes being committed, no justice could be found within the U.S. court system because we had not yet enacted implementing legislation of the Geneva Convention.

It is for Mike Cronin, and the many others like him who were persecuted, that I have fought to bring this legislation to the floor today. While the bill is not retroactive, it can ensure that any future victims of war crimes will be given the protection of the U.S. courts. This is a strong bipartisan bill, which will rectify the existing discrepancy between our Nation's intolerance for war crimes and our inability to prosecute war criminals.

Once again, I would like to thank this body, Chairman SMITH, Chairman HYDE, and Ranking Member CONYERS for their support. Passage of the War Crimes Act of 1996 is a long overdue step in the right direction.

Mr. SCOTT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from Texas [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 3680.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

REGARDING HUMAN RIGHTS IN MAURITANIA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 142) regarding the human rights situation in Mauritania, including the continued practice of chattel slavery, as amended.

The Clerk read as follows:

H. CON. RES. 142

Whereas the Government of Mauritania has perpetrated a prolonged campaign of human rights abuses and discrimination against its indigenous black population;

Whereas the Department of State and numerous human rights organizations have documented such abuses;

Whereas chattel slavery, with an estimated tens of thousands of black Mauritanians considered property of their masters and performing unpaid labor, persists despite its legal abolition in 1980;

Whereas individuals attempting to escape from their owners in Mauritania may be subjected to severe punishment and torture;

Whereas the right to a fair trial in Mauritania continues to be restricted due to executive branch pressure on the judiciary;

Whereas policies designed to favor a particular culture and language have marginalized black Mauritanians in the areas of education and employment particularly;

Whereas Mauritanians are deprived of their constitutional right to a democratically elected government;

Whereas Mauritanian authorities have still refused to investigate or punish individuals responsible for the massacre of over 500 military and civilian black Mauritanians in 1990 and 1991; and

Whereas significant numbers of black Mauritanians remain refugees stripped of their citizenship and property, including tens of thousands of black Mauritanians who were expelled or fled Mauritania during 1989 and 1990: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) calls upon the Government of Mauritania to honor its obligations under the Universal Declaration of Human Rights and the Convention on the Abolition of Slavery, to prosecute slave owners to the fullest extent of the country's anti-slavery law, and to educate individuals being held as slaves on their legal rights;

(2) strongly urges the Government of Mauritania to abolish discriminatory practices and foster an environment that will integrate black Mauritanians into the economic and social mainstream;

(3) urges in the strongest terms that the Government of Mauritania fully investigate and prosecute those officials responsible for the extrajudicial killings and mass expulsions of black Mauritanians during the late 1980s and early 1990s;

(4) calls upon the Government of Mauritania to continue to allow all refugees to return to Mauritania and to restore their full rights;

(5) welcomes Mauritania's recent invitation to international human rights organizations to visit Mauritania; and

(6) further welcomes the growth of an independent press in Mauritania.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Guam [Mr. UNDERWOOD] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation was introduced by this Member. It is hard to believe that in 1996, chattel slavery continues to exist in Mauritania. This gross injustice infringes on the most fundamental of human rights of perhaps thousands of that country's underclass. Members of that group are considered property of masters and expected to perform unpaid labor. This body should applaud the independent investigators, such as American journalist Sam Cotton, who have labored hard to break the conspiracy of silence surrounding this shameful practice.

It would be bad enough if slavery were the only abuse perpetrated against a certain class of Mauritania's people. Unfortunately, it is only one element of that country's tragic human rights situation. The government has yet to investigate or punish

those responsible for the massacre in 1990 and 1991 of over 500 military and civilian Mauritanians, almost entirely from one ethnic group.

Mauritania's refugee population continues to suffer. Only a small number of the 70,000 Mauritanians who were expelled or fled the country from 1989 to 1990 have been resettled. Most of this group continues to eke out a bleak existence in squalid refugee camps on Senegal's border, stripped of their citizenship and their property in their homeland.

Finally, although Mauritania's citizens are constitutionally guaranteed the right to elect their government, the multiparty elections held in 1992 that ended 14 years of military rule were considered fraudulent by the U.S. State Department and other international observers.

Mr. Speaker, it is the hope of this Member that House Concurrent Resolution 142 will help convince the government of Mauritania to once and for all abolish slavery and vigorously prosecute violators of existing antislavery laws. It is time that all classes of Mauritanians finally be integrated into the full social and economic mainstream of their country, a basic right to which they are fully entitled.

This Member further hopes that the attention generated by this resolution will induce Mauritania to schedule free elections and rectify other injustices.

Mr. Speaker, this Member would now like to express his deep appreciation to the gentleman from New York, [Mr. GILMAN], chairman of the Committee on International Relations, whose efforts were instrumental in moving House Concurrent Resolution 142 to the floor. In addition, this Member would recognize the extraordinary efforts of the gentlewoman from Florida [Ms. ROS-LEHTINEN], the chairman of the Subcommittee on Africa, who has been a leader in bringing this issue to the attention of the world. The gentlewoman has held the important hearings on the matter and has done much to expose the continuing practice of slavery.

Lastly, this gentleman would recognize the efforts of the distinguished gentleman from New Jersey [Mr. PAYNE] who has worked in a bipartisan manner to help craft a common expression of concern and outrage. Finally, this Member would like to parenthetically say he owes a great debt of assistance and help from Ms. Angela Clark, a member of my staff, in effect, who has been serving as a fellow in that capacity. Her work on this issue has been fundamentally important to the Member, and I appreciate it.

Mr. Speaker, I urge my colleagues to support House Concurrent Resolution 142, and I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I fully support the resolution introduced by Mr. BEREUTER, House Concurrent Resolution 142, concerning the human rights situation in Mauritania, including the continued practice of chattel slavery.

According to the 1995 State Department Human Rights report, tens of thousands of Mauritanians continue to live in servitude or near-servitude. While the Government of Mauritania has prohibited the practice of slavery and adopted related measures, much needs to be done to eliminate the vestiges of this appalling practice.

Mr. BEREUTER's resolution will put the Congress firmly on the side of those Mauritanians who continue to suffer in servitude. In addition, the resolution calls upon the Government of Mauritania to take the steps necessary to eliminate the vestiges of slavery and bring all Mauritanians into the economic and social mainstream of society.

Mr. Speaker, this is a strong resolution. Mr. BEREUTER and Mr. PAYNE of New Jersey, a member of our Subcommittee on Africa, have worked closely on this measure. It was supported on a bipartisan basis by the entire International Relations Committee. I urge its adoption.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support this resolution, House Concurrent Resolution 142. I commend the gentleman from Nebraska [Mr. BEREUTER] for sponsoring this resolution. I also, as well, would like to recognize the gentleman from New Jersey [Mr. PAYNE] for his important contribution to this issue.

The effects of slavery in Mauritania remain. Refugee repatriation, education of former slaves, and investigations of past atrocities are all issues which need attention. I hope this resolution will send a message about the importance of helping to improve conditions in Mauritania. I urge its adoption.

Ms. ROS-LEHTINEN. Mr. Speaker, as chair of the Subcommittee on Africa I urge all our colleagues to give strong support to this resolution addressing the appalling situation in Mauritania.

The resolution was reported out of the Africa Subcommittee by a unanimous vote, and reported by the Committee on International Relations again by unanimous vote.

It seems incredible that in the year 1996, we are still faced with the need to address reports that chattel slavery exists in any country. Reports that slavery continues to exist in practice, if not in law, in Mauritania are persuasive.

We continue to maintain unrelenting pressure on the Government of Mauritania to force them to take effective action to eliminate the practice of chattel slavery. Their actions to date have been ineffective.

We must focus on the plight of the victims of this practice. What could be worse than being held in slavery and to know that your children and grandchildren will be condemned to be slaves all their lives?

That human beings are held in bondage, bought and sold like animals, is simply not going to be tolerated in this day and age.

What is needed is for the Government of Mauritania to start to enforce the laws against slavery with vigor, and to prosecute those who violate those laws.

The Africa Subcommittee, in conjunction with the Subcommittee on International Operations and Human Rights, held a joint hearing on this subject, and it was clear that action was needed to bring about a positive change and an end to this horrid situation of slavery in Mauritania.

I support this resolution without reservation and urge the House to report this resolution by unanimous vote.

Mr. ACKERMAN. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 142, regarding human rights in Mauritania. This resolution highlights an issue that should sadden and anger all Americans. Indeed, the entire world should be outraged.

One would have thought that at the close of the 20th century, slavery would have been consigned to the history books, a painful reminder of our own ignorance and inhumanity. Instead, we are confronted with the appalling institution of slavery alive and well.

The evidence seems clear that slavery exists in both Mauritania and Sudan, which is why I find the public comments of our Ambassador to Mauritania, as well as the relatively weak reference to slavery in Mauritania in the recent Human Rights Country Report to be especially troubling. The United States should not be down-playing slavery. We should be raising our opposition to slavery at every possible opportunity.

Mauritania is violating international law by tolerating the existence of slavery and is violating its own domestic laws. There seems to have been little effort by the government of Mauritania to stop this abhorrent practice, since the government makes no effort to inform people of their rights and does not prosecute those who continue to hold slaves.

Mr. Speaker, by adopting this resolution today, the House will send a strong signal to the Government of Mauritania that more must be done to wipe out the scourge of slavery as well as its vestiges.

I urge all my colleagues to support House Concurrent Resolution 142.

Mr. UNDERWOOD. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 142, as amended,

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

REAUTHORIZING DEVELOPMENT FUND FOR AFRICA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3735) to amend the Foreign Assistance Act of 1961 to reauthorize the Development Fund for Africa under chapter 10 of part I of that act, as amended.

The Clerk read as follows:

H.R. 3735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION OF DEVELOPMENT FUND FOR AFRICA.

Section 497 of the Foreign Assistance Act of 1961 (22 U.S.C. 2294) is amended—

(1) by inserting after the section heading the following:

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this chapter, in addition to amounts otherwise available for such purposes, $704,000,000 for each of the fiscal years 1997, 1998, and 1999."; and

(2) by striking "Funds appropriated" and inserting the following:

"(b) AVAILABILITY.—Funds appropriated".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from New York [Mr. ENGEL] will each control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this too is legislation introduced by this Member. Accordingly, I want to thank the distinguished chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], who is a cosponsor of this legislation and has been extremely helpful in moving this legislation forward.

In addition, the gentlewoman from Florida [Ms. ROS-LEHTINEN], distinguished chairman of the Subcommittee on Africa, was instrumental in ensuring timely consideration of the reauthorization of the DFA. This Member would also note the efforts of the distinguished gentleman from New York [Mr. HOUGHTON] who has labored long and hard on a wide variety of initiatives in response to the suffering in Africa, and has been very active in assisting in the movement of this act to the House floor.

This Member would also note the assistance of the distinguished gentleman from New Jersey [Mr. PAYNE] and the distinguished gentleman from Florida [Mr. HASTINGS], both of whom feel very deeply about continuing United States efforts in Africa. With their assistance, the committee has reported out a truly bipartisan bill which all Members can support.

This Member would further assure his colleagues, particularly those from the other side of the aisle, that he has had an opportunity to discuss this matter personally with the Secretary of State, Mr. Christopher, and Secretary Christopher has expressed his support for the DFA reauthorization.

□ 1500

The Development Fund for Africa [DFA], was established in the mid-1980's, under the leadership of the gentleman from Michigan, Mr. Wolpe, a former Member, in order to ensure a relatively predictable level of assistance for this troubled corner of the world. That legislation had bipartisan support from the committee. I remember being a cosponsor of it. It was created in a bipartisan manner and has always received bipartisan support. Unfortunately, the authorization for DFA has lapsed and it is in need of reauthorization. H.R. 3735 does just that.

It is important for the Members of this body to understand that despite being the source of much of the world's most horrific suffering, sub-Saharan Africa has never been a high priority for the United States foreign assistance programs. Between 1962 and 1989, Africa accounted for just 6.7 percent of all United States foreign assistance, including the United States share of aid channeled through the multilateral organizations.

Even in recent years, despite the higher profile accorded to Africa under the DFA, assistance levels rarely have topped 10 percent of U.S. foreign assistance. Of this sum, approximately 30 percent is provided in the form of Public Law 480 food security assistance, and the remainder is allocated largely to development assistance. Thus, reauthorization of the Development Fund for Africa is essential if we are to ensure that Africa continues to receive an appropriate level of assistance.

However, H.R. 3735 does not micromanage. The DFA reauthorization does not dictate how those funds will be spent, just that the funds will be spent on programs in Africa. We are not seeking new money in addition to that which has been authorized within the overall foreign assistance authorization. I want to repeat that. We are not seeking new money in addition to that which has been authorized within the overall foreign assistance authorization. We are simply ensuring that a certain portion of the normally authorized foreign aid development assistance go to African programs.

As introduced, H.R. 3735 authorizes $539 million a year for 3 years. That would mean that 41 percent of the total DA account would be spent on Africa. However, the legislation was amended in committee, appropriately, I believe, in order to incorporate the projected Africa portion of the Child Survival Fund, which this Member supports and urges his colleagues to support.

This was done in order to avoid confusion because, while the House has come out strongly in favor of the Child Survival Fund, the Senate does not include a Child Survival Fund. This legislation simply makes it clear that a portion of the funds that should go to the Child Survival Fund will also support programs in Africa.

As amended, the authorization figure reflects the administration's fiscal year 1997 request level. This request level, $704 million, is straight-lined for 3 years, fiscal year 1997 through 1999. Again this Member would remind his colleagues that this authorization level includes some $140 million of the Child Survival Fund.

It is also important to remember that even at this level, support for the African programs has been reduced dramatically from a few short years ago when we were considering a $1 billion DFA. Thus, this legislation keeps faith with the ongoing effort to reduce Federal spending, but it is consistent with the administration's request. H.R. 3735 falls within the parameters of the much reduced overall foreign assistance authorization levels that this body voted and approved earlier this year.

Mr. Speaker, finally, this Member would take a moment to recognize the efforts of the committee staff who have been instrumental in moving this legislation forward. In particular, this Member would express his personal thanks to Mr. Walker Roberts, Mr. Mark Kirk, and Mr. Michael Ennis, who have done all that was requested of them and more. They are key members of a truly exceptional staff that Chairman GILMAN has assembled.

This Member would also note the assistance of Maricio Tamarago of Chairman ROS-LEHTINEN's staff, as well as the bipartisan assistance from the staff on the other side of the aisle, and I am sure my colleague will want to mention them directly. Their help is sincerely appreciated.

Mr. Speaker, this Member would urge his colleagues to support H.R. 3735.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of the bill, and I want to commend my friend from Nebraska for his diligence and hard work in bringing this bill to fruition.

There are compelling reasons to keep the Development Fund for Africa separate from other development assistance and funded at as high a level as possible. Africa has special development needs. We all know that. The continent has a unique combination of war-related humanitarian requirements and traditional sustainable development

needs. Many observers feel that Africa remains the world's greatest development challenge.

The DFA has proven to be an effective mechanism in providing foreign assistance to Africa. Its flexibility and orientation toward establishing measurable results distinguish the DFA.

The Development Fund for Africa was cut from $781 million in 1995 to $675 million in 1996, a cut of 13.6 percent, which was very regrettable because we know that this is where the humanitarian funds are needed.

I had occasion to visit West Africa along with other members of the Committee on Foreign Affairs, and we saw firsthand how these countries are crying out to us for assistance. I have long said on this floor that despite the pleas for assistance, we have indeed been falling short in recent years.

I think again it is very shortsighted because the world looks to America for leadership, the world looks to America for assistance, and if we want to see democracy flourish in these countries, we want to see people not suffer, we need this kind of humanitarian assistance. So restoring a line item at $704 million is an appropriate policy response to the challenge facing United States policy in Africa, sort of a midway point between restoring most of the money that has been cut. There are many of us that believe it should be more, but I think that this is a very, very important step in the right direction.

I urge adoption of this bill.

Mr. ACKERMAN. Mr. Speaker, I am pleased to rise in support of H.R. 3735, legislation reauthorizing the Development Fund for Africa [DFA].

By supporting the DFA, the House is sending an important message that Africa does matter and that the United States must remain engaged through the flexible and effective mechanism the DFA provides.

Africa continues to present significant development challenges to the United States and to the world. According to the 1995 World Development Report, 22 of the world's 30 poorest countries are in Africa. When compared to Asia or Latin America, life expectancy in Africa is shorter; infant and child mortality is greater; adult literacy in lower; fewer children are enrolled in primary and secondary schools; and population growth is higher. Obviously there is a tremendous amount of work to be done.

Reauthorizing the DFA will protect funding levels for Africa that might otherwise be diverted to short-term foreign policy crises elsewhere; it will continue to provide flexibility in designing and developing effective strategies for the region; and it will sustain the performance-based, results-oriented system for sub-Saharan Africa where aid resources are concentrated in countries that show the most commitment to developing their economic and political systems, and to addressing serious social problems.

Mr. Speaker, I commend Mr. BEREUTER for introducing the bill and Mr. GILMAN for bringing it before the House today, and I urge all my colleagues to vote to support the DFA.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the leadership of the House for scheduling floor action so quickly on this bill to reauthorize the Development Fund for Africa.

In this era of declining real foreign aid appropriations, it is important that Congress help set our foreign aid priorities by legislation and through negotiations with the executive branch.

Foreign aid needs in Africa are one of our highest priorities and deserve some legislative protection from the other demands upon the foreign affairs budget.

The money we invest today in promoting economic development, private enterprise development, and democratization in Africa is a wise investment.

As we have been in recent years, the lack of economic development and economic opportunities and the lack of democratic political systems has led to some extremely expensive humanitarian crisis and costly U.N. peacekeeping operations—such as those we have faced in recent years in Somalia, Rwanda, Angola, and Liberia, to name only a few countries on the continent.

While other regions of the world have shown economic progress, sub-Saharan Africa continues as a region with the least economic prosperity.

Given the lack of economic development, we should continue our efforts in Africa while phasing out our programs in the countries where they have now achieved their objectives.

I therefore strongly support the reauthorization of the DFA and an authorized level of $704 million—which is the administration's requested level for the next fiscal year—with the hope that the Appropriations Committees will be able to find the resources to meet the needs of Africa.

This is a bipartisan effort, and I urge all Members of the House to support this bill.

Mr. GILMAN. Mr. Speaker, I want to commend Mr. BEREUTER and his bill, H.R. 3735, to reauthorize the Development Fund for Africa for fiscal years 1997–99. As our chairman of our Africa Subcommittee, Ms. ROS-LEHTINEN, will attest, while other regions of the world have improved their economic growth, sub-Saharan Africa remains far behind the rest of the world in per capita GNP. Given the lack of progress, there is a strong case for continued aid to Africa while other aid programs may be phased out. To reflect this strong sentiment behind continued aid to Africa, the committee will mark up this bill to reauthorize the main United States development aid program for that region.

I will note that from 1962 to 1989, Africa only received 6.7 percent of United States foreign aid. This increased to 10 percent in the early 1990's. This bill reflects the consensus that percentage should increase. While other regions have managed to attract private capital, Africa's share of the world trade has declined to just 1.6 percent, including South Africa. Infant mortality on the continent remains at twice the rate of other developing regions. Many countries need to graduate from aid, including South Africa, as AID plans. Others, many others in Africa, have a long way to go and this bill recognizes that fact.

Originally, the bill was drafted to reflect funding for Africa included in the House-passed version of the fiscal year 1997 Foreign Operations Appropriations bill (H.R. 3540). Under that measure's bill and report language, Africa was set to receive $539 million in development assistance, reflecting 41 percent of the worldwide development assistance account (the same percentage used in the President's request). In addition, the appropriations bill contained a child survival account that CRS projected would contribute $140 million to Africa. Therefore, under the fiscal year 1997 House appropriations bill, a total of $679 million in development assistance would go to Africa.

In negotiations, representatives of the administration urged our committee to put aside the House appropriations figures because the Senate did not duplicate them and could provide a higher total number for Africa, especially since the Senate also did not have a child survival fund. Therefore, I offered a compromise amendment to the bill, authorizing the DFA at the administration's fiscal year 1997 request level of $704 million for 3 fiscal years, fiscal years 1997–99. We hope to provide a steady base of funding to slowly improve Africa's lot.

This bill has the support of the administration and major outside foreign assistance groups such as InterAction and Bread for the World. I want to specifically thank Carolyn Reynolds of InterAction and Cathy Selvaggio of Bread for the World for their support. I also want to wish the Acting AID Administrator for Africa, Gary Bombardier, well in his new position. While I have been critical of some actions taken by AID in South Africa, much of our sub-Saharan African aid program enjoys strong support. Gary was instrumental in starting the DFA during his service in Congress and our action today underlines that continuing support for the continent.

With that, I commend the bill to the House and urge all Members to support its passage.

Mr. ENGEL. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and pass the bill, H.R. 3735, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3735, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

MICROENTERPRISE ACT

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3846) to amend the Foreign Assistance Act of 1961 to authorize the provision of assistance for microenterprises, and for other purposes.

The Clerk read as follows:

H.R. 3846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Microenterprise Act".

SEC. 2. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

Section 108 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f) is amended to read as follows:

"SEC. 108. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

"(a) FINDINGS AND POLICY.—The Congress finds and declares that—

"(1) the development of micro- and small enterprise, including cooperatives, is a vital factor in the stable growth of developing countries and in the development and stability of a free, open, and equitable international economic system;

"(2) it is, therefore, in the best interests of the United States to assist the development of the private sector in developing countries and to engage the United States private sector in that process;

"(3) the support of private enterprise can be served by programs providing credit, training, and technical assistance for the benefit of micro- and small enterprises; and

"(4) programs that provide credit, training, and technical assistance to private institutions can serve as a valuable complement to grant assistance provided for the purpose of benefiting micro- and small private enterprise.

"(b) PROGRAM.—To carry out the policy set forth in subsection (a), the President is authorized to provide assistance to increase the availability of credit to micro- and small enterprises lacking full access to credit, including through—

"(1) loans and guarantees to credit institutions for the purpose of expanding the availability of credit to micro- and small enterprises;

"(2) training programs for lenders in order to enable them to better meet the credit needs of micro- and small entrepreneurs; and

"(3) training programs for micro- and small entrepreneurs in order to enable them to make better use of credit and to better manage their enterprises.".

SEC. 3. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new section:

"SEC. 129. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.

"(a) AUTHORIZATION.—(1) In carrying out this part, the Administrator of the United States Agency for International Development is authorized to provide grant assistance for programs of credit and other assistance for microenterprises in developing countries.

"(2) Assistance authorized under paragraph (1) shall be provided through organizations that have a capacity to develop and implement microenterprise programs, including particularly—

"(A) United States and indigenous private and voluntary organizations;

"(B) United States and indigenous credit unions and cooperative organizations; or

"(C) other indigenous governmental and nongovernmental organizations.

"(3) Approximately one-half of the credit assistance authorized under paragraph (1) shall be used for poverty lending programs, including the poverty lending portion of mixed programs. Such programs—

"(A) shall meet the needs of the very poor members of society, particularly poor women; and

"(B) should provide loans of $300 or less in 1995 United States dollars to such poor members of society.

"(4) The Administrator should continue support for mechanisms that—

"(A) provide technical support for field missions;

"(B) strengthen the institutional development of the intermediary organizations described in paragraph (2); and

"(C) share information relating to the provision of assistance authorized under paragraph (1) between such field missions and intermediary organizations.

"(b) MONITORING SYSTEM.—In order to maximize the sustainable development impact of the assistance authorized under subsection (a)(1), the Administrator should establish a monitoring system that—

"(1) establishes performance goals for such assistance and expresses such goals in an objective and quantifiable form, to the extent feasible;

"(2) establishes performance indicators to be used in measuring or assessing the achievement of the goals and objectives of such assistance; and

"(3) provides a basis for recommendations for adjustments to such assistance to enhance the sustainable development impact of such assistance, particularly the impact of such assistance on the very poor, particularly poor women.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from New York [Mr. ENGEL] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have long recognized the value of the microenterprise loans. As chairman of the Subcommittee on Asia and the Pacific, I noted the success of the Grameen Bank in Bangladesh. Grameen has loaned over $1 billion to over 2 million people with a repayment rate of 98 percent. These clearly fit the model of the microenterprise loan. I have seen it work very effectively in places like Peru, as well.

This bill provides two new authorities in the Foreign Assistance Act to provide microgrants and microloans. I am assured that the bill has the support of the minority and the administration. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this bill. I want to commend the work that Chairman GILMAN and Mr. GEJDENSON have done in putting together a bill that helps microenterprise development and a bill which we can all support.

Microenterprise development has proven to be an effective way to help the world's poor work their way to a better standard of living for themselves and for their country.

This bill establishes special authorities under the Foreign Assistance Act for microenterprise grants and loans. It signals the importance of focusing on loans to the poorest of the poor and providing such assistance through private voluntary and nongovernmental organizations. Again, it is the perfect example of the private sector working together with government in a partnership that works and helps people.

This bill should strengthen one part of the U.S. foreign assistance program. Again, I commend Chairman GILMAN and Mr. GEJDENSON for their efforts. This bill adopts a balanced and thoughtful approach. I strongly urge its adoption.

Mr. GILMAN. Mr. Speaker, this is a proud day for me. I began my work in support of microenterprise development almost 20 years ago as a member of the President's Commission on Hunger. I introduced the first microenterprise bill in 1986 and supported these programs as strongly as possible during my service here in Congress.

The Microenterprise Act, H.R. 3846, represents a historic alliance between the administration, microenterprise groups, and the Congress behind the cause of microenterprise development to help the poorest of the poor work their way out of poverty.

We have all heard of Prof. Muhammad Yunus and his successful Grameen Bank in Bangladesh. Today, the Grameen Bank is one of the largest banks in Bangladesh. It has served over 2 million borrowers and lent over $1 billion. Most of the loans are small—under $300—and 94 percent of the borrowers are women. The bank represents one of he most successful foreign assistance programs yet designed to eliminate poverty among the poorest of the poor.

Most importantly, Grameen's borrowers have repaid their loans at a 98 percent repayment rate.

The microenterprise movement is not just about Grameen. In Bolivia, BancoSol grew from nothing to serve over 40 percent of all banking clients in Bolivia. BancoSol and its microenterprise lending program is so big and successful that it has graduated part of this program from assistance and now borrows funds directly from the New York market to continue its service to Bolivia's poor. Other microenterprise institutions dot the planet, including hundreds here in the United States and especially in my home State of New York.

This bill breaks new ground. It provides two new tailor-made authorities under the Foreign Assistance Act for microenterprise grants and microenterprise loans. The bill recommends the administration to focus on loans to the poorest of the poor, mainly through private, voluntary organizations, nongovernmental organizations and other worthy institutions.

The administration supports this bill along with Mr. HAMILTON, Mr. GEJDENSON, Mr. HOUGHTON, and 24 other cosponsors. I am grateful to them and I want to give special thanks to key members of the Microenterprise Coalition, Sam Harris of RESULTS, Maria Otero of ACCION International, and Lawrence Yanovitch of FINCA along with Brian Atwood and Robert Boyer of AID who helped bridge the gap, allowing us in the Congress to come together in support of microenterprise.

I am informed that this bill has the support of Senator HELMS and Senator SARBANES. I think this bill is too important to delay in the other body. As the debate on the bill and the report that accompany the bill shows: One, that we want AID to make at least half of its micro credit in amounts below $300, and two, that we want AID to make most initial loans at the $150 level to reach the poorest of the poor. Following the hoped for enactment of this bill, we can reexamine the situation next year to assess how successfully AID is reaching the poor with micro credits.

I commend this bill to the House and urge its adoption.

Mr. ENGEL. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and pass the bill, H.R. 3846.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3846, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

AUTHORIZING VOLUNTARY SEPARATION INCENTIVE PAYMENTS TO EMPLOYEES OF AID

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3870) to authorize the Agency for International Development to offer voluntary separation incentive payments to employees of that agency, as amended.

The Clerk read as follows:

H.R. 3870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VOLUNTARY SEPARATION INCENTIVES FOR EMPLOYEES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) DEFINITIONS.—For the purposes of this Act—

(1) the term "agency" means the Agency for International Development;

(2) the term "Administrator" means the Administrator, Agency for International Development; and

(3) the term "employee" means an employee (as defined by section 2105 of title 5, United States Code) who is employed by the agency, is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 12 months, but does not include—

(A) any employee who, upon separation and application, would then be eligible for an immediate annuity under subchapter III of chapter 83 (except for section 8336(d)(2)) or chapter 84 (except for section 8414(b)(1)(B)) of title 5, United States Code, or corresponding provisions of another retirement system for employees of the agency;

(B) a reemployed annuitant under subchapter III of chapter 83 of chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(C) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in subparagraph (A);

(D) an employee who is to be separated involuntarily for misconduct or unacceptable performance, and to whom specific notice has been given with respect to that separation;

(E) an employee who, upon completing an additional period of service, as referred to in section 3(b)(2)(B)(ii) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 5597 note), would qualify for a voluntary separation incentive payment under section 3 of such Act;

(F) an employee who has previously received any voluntary separation incentive payment by the Government of the United States under this Act or any other authority and has not repaid such payment;

(G) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(H) any employee who, during the 24-month period preceding the date of separation, received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the 12-month period preceding the date of separation, received a retention allowance under section 5754 of such title 5.

(b) IN GENERAL.—The Administrator, before obligating any resources for voluntary separation incentive payments under this Act, shall submit to the House and Senate Committees on Appropriations and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level; and

(B) the number and amounts of voluntary separation incentive payments to be offered; and

(C) a description of how the agency will operate without the eliminated positions and functions.

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—A voluntary separation incentive payment under this Act may be paid by the agency to not more than 100 employees of such agency and only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment under this Act—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

(ii) an amount determined by the agency head not to exceed $25,000;

(D) may not be made except in the case of any employee who voluntarily separates (whether by retirement or resignation) before February 1, 1997;

(E) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this Act.

(2) DEFINITION.—For the purpose of paragraph (1), the term "final basic pay", with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT ON SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—An individual who has received a voluntary separation incentive payment under this Act and accepts any employment for compensation with the Government of the United States, or who works for any agency of the Government of the United States through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(f) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—

(1) IN GENERAL.—The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this Act. For the purposes of this subsection, positions shall be counted on a full-time-equivalent basis.

(2) ENFORCEMENT.—The President, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from New York [Mr. ENGEL] each will control 20 minutes.

The Chairman recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Agency for International Development requested this legislation to help them downsize. The Agency for International Development, AID, has already trimmed 3,000 positions, from 11,000 to 8,000. Unfortunately, AID must reduce its staff at a faster pace and institutes a layoff, or reduction in force, of 200 people to meet its personnel targets. Rather than lay off all 200 employees, AID would like to offer up to 100 employees severance payments, up to $25,000 each, that they would have been able to receive if laid off. It gives AID the flexibility to find volunteers rather than lay off all 200 people.

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This bill has the support of our Subcommittee on Civil Service chairman, the gentleman from Florida, Mr. MICA and his counterpart in the other body, Mr. STEVENS of Alaska. I urge adoption by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield myself such a time as I may consume.

Mr. Speaker, I support this bill. As has been explained by the gentleman from Nebraska [Mr. BEREUTER], this bill represents an effort to help the Agency for International Development to minimize the reductions in force required by budgetary constraints.

I must say that I regret the budgetary constraints which require the reductions in force. I have had occasion, of course, to see the good work that AID has done in many countries around the world. I can tell you that it is well worth the money and the effort that we put into it. But we have to be realists and we understand the budgetary problems and constraints. This simply helps AID minimize these reductions. It is something that we understand needs to be done. It has bipartisan support. Therefore, I urge adoption of this bill.

Mr. GILMAN. Mr. Speaker, I joined with the chairman of the Government Reform Committee's Civil Service Subcommittee, Chairman MICA, to support H.R. 3870, a bill written at the request of the administration to allow AID to offer up to 100 employees, who voluntarily resign, severance payments up to a cap of $25,000. As you know, in the Foreign Service employees are entitled 1 month severance per year of service. Civil Service employees are entitled to 1 week severance per year of service.

Over the past few years, AID's personnel reduced in size from approximately 11,000 to 8,000 employees, mainly using hiring freezes that cause AID to lose approximately 120 employees per year. While the Appropriations Committee provided AID with an operating expense appropriation level they were assured would prevent layoffs, further cuts in the President's own fiscal year 1997 budget request caused AID to accelerate personnel reductions. AID is currently in the process of laying off 200 employees by conducting a formal reduction in force [RIF] of 97 Foreign Service and 103 Civil Service employees.

Rather than lay off all 200 employees, AID would like to offer up to 100 employees who voluntarily resign, and are not already eligible to retire, the opportunity to receive the severance payment they would have received if they had been laid off, up to a cap of $25,000. In this way, AID hopes to have 100 volunteers take the place of at least half of those people scheduled to be laid off. CBO has stated that this bill would cause the Government to collect an additional $1 million in mandatory receipts due to payments to Government retirement accounts required under the bill—thereby making it a net positive debt reduction measure for the purposes of the "pay-go" rules. In an advisory note, CBO also estimated the bill would cost $3 million in discretionary spending, all within the already appropriated level of the AID operating expense account.

This bill is supported by the administration, the American Foreign Service Association, Mr. HAMILTON, Chairman MICA, and his counterpart, the chairman of the Government Affairs Committee, the senior Senator from Alaska, Mr. STEVENS. Other versions of this language have been attached to appropriations bills. We now expect that this free standing measure may be enacted as early as possible to allow AID to make the best of a bad situation.

We all support AID becoming a smaller, more efficient operation. This bill will help AID achieve that goal, using volunteers instead of draftees. I commend the bill to the House and urge its adoption.

Mr. ENGEL. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and pass the bill, H.R. 3870, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3870.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

RECOGNIZING AND HONORING THE FILIPINO WORLD WAR II VETERANS

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 191) to recognize and honor the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II.

The Clerk read as follows:

H. CON. RES. 191

Whereas the Commonwealth of the Philippines was strategically located and thus vital to the defense of the United States during World War II;

Whereas the military forces of the Commonwealth of the Philippines were called into the United States Armed Forces during World War II by Executive order and were put under the command of General Douglas MacArthur;

Whereas the participation of the military forces of the Commonwealth of the Philippines in the battles of Bataan and Corregidor and in other smaller skirmishes delayed and disrupted the initial Japanese effort to conquer the Western Pacific;

Whereas that delay and disruption allowed the United States the vital time to prepare the forces which were needed to drive the Japanese from the Western Pacific and to defeat Japan;

Whereas after the recovery of the Philippine Islands from Japan, the United States was able to use the strategically located Commonwealth of the Philippines as a base from which to launch the final efforts to defeat Japan;

Whereas every American deserves to know the important contribution that the military forces of the Commonwealth of the Philippines made to the outcome of World War II; and

Whereas the Filipino World War II veterans deserve recognition and honor for their important contribution to the outcome of World War II: Now, therefore, be it

Resolved by the House of Representative (the Senate concurring), That the Congress recognizes and honors the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from New York [Mr. ENGEL] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution provides long-delayed recognition to persons considered to be members of the Philippine Commonwealth Army veterans and members of the Special Philippine Scouts—by reason of service with the allied Armed Forces during World War II.

On July 26, 1941, President Roosevelt issued a military order, pursuant to the Philippines Independence Act of 1934, calling members of the Philippine

Commonwealth Army into the service of the United States forces of the Far East, under the command of Lt. Gen. Douglas MacArthur.

For almost 4 years, over 100,000 Filipinos, of the Philippine Commonwealth Army fought alongside the allies to reclaim the Philippine Islands from Japan. Unfortunately, Congress rewarded this service by enacting the Rescission Act of 1946. This measure denied the members of the Philippine Commonwealth Army the honor of being recognized as veterans of the United States Armed Forces.

A second group, the Special Philippine Scouts called "New scouts" who enlisted in the United States Armed Forces after October 6, 1945, primarily to perform occupation duty in the Pacific, have also never received official recognition.

It is time to correct this injustice and to provide the official recognition long overdue for members of the Philippine Commonwealth Army and the Special Philippine Scouts that they valiantly earned for their service to the United States and the allied cause during World War II.

This Member strongly urges his colleagues to vote for this resolution to correct this grave injustice and provides recognition to members of the Philippine Commonwealth Army and the members of the Special Philippine Scouts.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support this. The Philippines and the United States have a long history of friendship and cooperation. Just recently President Clinton praised the contribution of Filipino veterans, and he did it so recently. He did so during his trip in 1994, when he visited the Philippines.

The role of the Filipino veterans is very, very important in the victory over Japan in World War II. It is very appropriate, I believe, for Congress to recognize and honor the service provided by these veterans.

As the resolution notes, Filipino veterans were important players in the effort to defeat Japan in World War II. The Philippine Islands played a critical role as a strategic base for launching the final effort to defeat Japan.

This resolution seeks to convey the appreciation of the Congress for these contributions. I believe it is very fitting that we do so.

Mr. Speaker, I urge adoption of this resolution.

Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Speaker, I thank the gentleman from Nebraska for moving this legislation very quickly through the subcommittee, and I wish the chairman, Mr. GILMAN, was here. He has worked long and hard to make sure that this resolution gets to the floor. Our colleagues over in the Senate, Senators INOUYE and AKAKA, will move this legislation very rapidly through their body, and I thank them profusely for that.

Mr. Speaker, today is an historic day in this Chamber. We are taking the first step in the long overdue recognition of a group of brave soldiers who played a significant role in the outcome of World War II; that is, the Filipino veterans.

Too few Americans are familiar with this chapter in our Nation's history. During World War II, the military forces of the Commonwealth of the Philippines were drafted to serve in our armed forces by an Executive order of the President of the United States. Under the command of General Douglas MacArthur, they fought side-by-side with forces from the United States mainland against our common enemy. Filipino soldiers defended the American flag in the now famous battles of Bataan and Corridor. Thousands of Filipino prisoners of war died during the 65-mile Bataan death march. Those who survived were imprisoned under inhumane conditions, where they suffered casualties at the rate of up to 200 prisoners each day. They endured 4 long years of enemy occupation. Those soldiers fortunate to escape capture, together with Filipino civilians, fought against the occupation forces. Their guerrilla attacks foiled the plans of the Japanese for a quick takeover of the region and allowed the United States the time needed to prepare forces to defeat Japan. After the liberation of the Philippine Islands, the United States was able to use the strategically located Commonwealth of the Philippines as a base from which to launch the final efforts to win the war.

With their vital participation so evident, one would assume the United States would be grateful to their Filipino comrades. So it is hard to believe that soon after the war ended, the 79th Congress voted in a way that only can be considered to be blatant discrimination, taking away the recognition and benefits that the Filipino World War II veterans were promised, the recognition and benefits so richly deserved.

The Washington Post wrote in 1947 that "While the Philippine Islands were still under United States sovereignty, the President issued an order making the Filipino Army a part of the American Army. This made the Filipino soldiers who constituted that army a part of our fighting forces as much as were soldiers drafted from the States, and they remained in this status until the eve of the Philippine independence. Last year, however, Congress passed the First Rescission Act denying to Filipino veterans most of the benefits that go automatically to other veterans who were exposed to similar risks and hardships. "We cannot help thinking," wrote the Post, "that if Congress reviews the situation with full realization these men were members of our own army and subject to its orders, it will see that a great injustice has been done."

That was 50 years ago, Mr. Speaker.

Even President Truman, who signed the Rescission Act, said it did not release the United States from its obligation to provide for the heroic Filipino veterans who scarified so much during the war. He believed it was a moral obligation of the United States to look after the welfare of Filipino veterans. So do I, and so do my colleagues who join me in cosponsoring this resolution today.

It has taken Congress 50 years to act, but finally we are going to correct this situation. The Senate earlier this month passed Senate Concurrent Resolution 64 and honored the Filipino World War II veterans. Today, the House of Representatives will join the Senate in this important statement.

I want to thank all the Filipino veterans and all their sons and daughters who have called and written to educate Members of this Congress. This momentous vote would not have occurred without their efforts and persistence.

Today, Mr. Speaker, I am proud to be a Member of this body. We are acting in a manner to correct the wrongs inflicted on these brave veterans. This is a first step. In the next Congress I will reintroduce the Filipino Veterans Equity Act, which follows the recognition we bestow today with benefits the Filipino veterans were promised.

Mr. Speaker, many of my constituents are veterans affected by this resolution. Not a day goes by when they do not pray for a restoration of their honor and dignity. I urge my colleagues to correct a monumental injustice by recognizing and honoring the brave Filipino World War II veterans for their defense of democratic ideas and their important service and contribution to our victory in World War II.

Again I thank the gentleman from New York [Mr. ENGEL], the gentleman from Nebraska [Mr. BEREUTER], the gentleman from New York [Mr. GILMAN], the chairman, and the gentleman from Indiana [Mr. HAMILTON], the ranking member, for allowing us to vote on this today.

Mr. ENGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I would also like to commend the Members of the other body for processing this resolution, particularly Senators INOUYE and AKAKA, and also congratulate and thank the gentleman from New York, Mr. GILMAN, and the gentleman from Nebraska, Mr. BEREUTER, for moving this legislation to the floor in a timely manner.

I represent Guam, which is the closest American jurisdiction to the Philippines, and we on Guam are fully aware of the situation confronted by the Filipino veterans, having endured the Japanese occupation ourselves.

Mr. Speaker, I rise today in support of House Concurrent Resolution 191, a concurrent resolution to recognize and honor the Filipino World War II veterans. Although mainly symbolic and long overdue, this resolution is a step toward this body's full recognition of the loyalty and sacrifices of the over 30,000 Filipino soldiers who fought and died alongside our soldiers in World War II.

Gen. Douglas MacArthur, referring to the defenders of Bataan and Corregidor, claimed that "no army has ever done so much with so little." Many of us take this as words of commendation meant for American forces defending the Philippines. However, we must not overlook the fact that a substantial portion of this defense force was composed of Filipino volunteers.

Although they fought and died alongside American comrades, these veterans were never afforded equal status. Prior to mass discharges and disbanding of their unit in 1949, these veterans were paid only a third of what regular service members received at the time. Underpaid, having been denied benefits and lacking proper recognition, General MacArthur's words truly depict the plight of the remaining Filipino veterans today as they did half a century ago.

I urge my colleagues to support House Concurrent Resolution 191 and consider this resolution as a commitment toward future legislation to fully recognizing the contributions and recognize status of Filipino World War II veterans.

To the many fine residents of Guam are members of the Philipine Scouts: I salute you. Your service should not be forgotten and will not be forgotten.

Mr. ENGEL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to not only recognize the leadership of the gentleman from New York [Mr. GILMAN] and thank the gentleman from New York [Mr. ENGEL], but to recognize that a lead cosponsor was the gentleman from California [Mr. FILNER], whose remarks you heard, and thank the gentleman from Guam [Mr. UNDERWOOD] for his very salient remarks.

Additionally, I wanted to mention that the chairman and ranking minority member of the Committee on Veterans' Affairs, the gentleman from Arizona [Mr. STUMP], and the gentleman from Mississippi [Mr. MONTGOMERY], original cosponsors, along with the gentleman from New York [Mr. SOLOMON], the gentleman from California [Mr. DORNAN], the gentleman from California [Mr. CAMPBELL], the gentleman from California [Mr. BILBRAY], the gentleman from Illinois [Mr. FLANAGAN], the gentleman from Missouri [Mr. TALENT], the gentlewoman from California [Ms. PELOSI], the gentleman from Hawaii [Mr. ABERCROMBIE], the gentlewoman from Hawaii [Mrs. MINK], the gentleman from Illinois [Mr. EVANS], the gentleman from California [Mr. MILLER], and the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GILMAN. Mr. Speaker, I rise in strong support of this resolution to provide long-delayed recognition to persons considered to be members of the Philippine Commonwealth Army veterans and members of the Special Philippine Scouts—by reason of service with the Allied Armed Forces during World War II.

We must correct the grave injustice that has befallen this brave group of veterans, since their valiant service, on behalf of the United States, during the Second World War.

On July 26, 1941, President Roosevelt issued a military order, pursuant to the Philippines Independence Act of 1934, calling members of the Philippine Commonwealth Army into the service of the United States Forces of the Far East, under the command of Lt. Gen. Douglas MacArthur.

For almost 4 years, over 100,000 Filipinos, of the Philippine Commonwealth Army fought alongside the Allies to reclaim the Philippine Islands from Japan. Regrettably, in return, Congress enacted the Rescission Act of 1946. This measure denied the members of the Philippine Commonwealth Army the honor of being recognized as veterans of the United States Armed Forces.

A second group, the Special Philippine Scouts called New Scouts who enlisted in the U.S. Armed Forces after October 6, 1945, primarily to perform occupation duty in the Pacific, have also never received official recognition.

I believe it is time to correct this injustice and to provide the official recognition long overdue for members of the Philippine Commonwealth Army and the Special Philippine Scouts that they valiantly earned for their service to the United States and the Allied cause during World War II.

These members of the Philippine Commonwealth Army and the Special Philippine Scouts served just as courageously and made the same sacrifices as their American counterparts during the Pacific war. Their contribution helped disrupt the initial Japanese offensive timetable in 1942, at a point when the Japanese were expanding almost unchecked throughout the Western Pacific.

This delay in the Japanese plans bought valuable time for scattered Allied Forces to regroup, reorganize, and prepare for checking the Japanese in the Battles of the Coral Sea and Midway.

It also earned those who were unfortunate enough to be captured the wrath of their Japanese captors. As a result, these Filipino prisoners joined their American counterparts in the Bataan Death March, along with suffering inhumane treatment which redefined the limits of human depravity.

During the next 2 years, Filipino Scout units, operating from rural bases, tied down precious Japanese resources and manpower through guerilla warfare tactics.

In 1944, Filipino forces provided valuable assistance in the liberation of the Philippine Islands which in turn became an important base for taking the war to the Japanese homeland. Without the assistance of Filipino units and guerrilla forces, the liberation of the Philippine Islands would have taken much longer and been far costlier than it actually was.

In a letter to Congress dated May 16, 1946, President Harry S. Truman wrote:

> The Philippine Army veterans are nationals of the United States and will continue in that status after July 4, 1946. They fought under the American flag and under the direction of our military leaders. They fought with gallantry and courage under the most difficult conditions during the recent conflict. They were commissioned by us, their official organization, the Army of its Philippine Commonwealth was taken into the Armed Forces of the United States on July 26, 1941. That order has never been revoked and amended. I consider it a moral obligation of the United States to look after the welfare of the Filipino veterans.

Accordingly, I urge my colleagues to support this resolution that corrects this grave injustice and provides recognition to members of the Philippine Commonwealth Army and the members of the Special Philippine Scouts, which they fully deserve.

Mr. SCOTT. Mr. Speaker, I rise to add my support to the recognition of the Philippine Commonwealth Army veterans who stood beside the United States servicemembers during the Second World War. The efforts of these members of the Philippine Army were essential in operations that helped free the nation of the Philippines from Japanese aggression and resulted in the defeat of Japan's expansion efforts. Nearly 100,000 Filipino soldiers endured more than 4 years of battle that left over 1 million Philippine civilians, soldiers, and guerrilla fighters dead.

In 1946, Congress passed a Rescission Act that declared that the service provided by these brave people did not qualify them for veteran's benefits. These veterans were called to duty under the command of Gen. Douglas MacArthur and they were U.S. soldiers. The Philippine Scouts, who served after October 6, 1945, were also United States soldiers. House Concurrent Resolution 191 restores the recognition these brave soldiers deserve.

This recognition is long overdue. We long ago promised these veterans the benefits they earned and we turned our backs on them. After ignoring the injustice of this country's bias so long, I am pleased that we can now provide a first step toward correcting this long-standing oversight. These veterans deserve the same rights and benefits as members of the U.S. services. It is only right that we fulfill our promises and recognize these deserving servicemembers.

Mr. FARR of California. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 191, honoring the Filipino veterans of World War II, which the House approved yesterday. A number of my Filipino constituents are veterans from the Second World War, and served bravely in defense of our Nation.

I can personally attest to their courage, strength of character, and love of country.

However, I cannot help but express my concern that the House has yet to act on an important bill to help Filipino veterans: the Filipino Veterans Equity Act, which would provide all Filipino veterans full and equal benefits available to other veterans of the Second World War.

Few people realize that thousands of Filipinos who served in World War II are not considered to have been in "active service", and are thus ineligible for full veterans benefits. Many of these same veterans served during the battle of Bataan, and were later subject to the horrors of the Bataan Death March. They also fought against the Japanese during their occupation of the Philippines.

The Filipino Veterans Equity Act would end this unfair discrimination and allow Filipino veterans the same benefits as others who served during World War II. I and 70 of my colleagues in the House have cosponsored this important legislation; yet, after nearly eighteen months of consideration, the bill has yet to be enacted.

Thousands of Filipinos risked their lives during World War II for freedom and democracy. We owe them the same benefits and privileges as other veterans who did the same. Let's enact real rights and recognition for Filipino veterans.

Mrs. MALONEY. Mr. Speaker, I rise today in support of several measures that will benefit veterans in my district and around the Nation. Today, the House considers veterans health care eligibility reform, the Veterans Employment Opportunities Act, and the honoring of Filipino veterans who served during World War II.

The Veterans Employment Opportunities Act will strengthen veterans' preference and increase employment opportunities for veterans with the Federal Government. I am pleased to have supported this bill when it came through the committee on which I sit, the Government Reform and Oversight Committee.

I believe in the importance of preventing Federal agencies from unfairly stripping veterans of their preference rights during a reduction in force. By ensuring that veterans have the right to take their cases to Federal court when their other legal avenues have been exhausted, this bill is a step forward for America's veterans.

Another bill that I am happy to see come to the House floor is a bill to reform veteran's health care eligibility. After veterans have put their lives on the line for America, we need to do everything we can to provide the health care veterans need.

The eligibility reform measure will change the way veterans health care is provided in the future. The new system will include a clinically appropriate "need for care" test to ensure that medical judgment is the fundamental criteria in determining the level and amount of care to be provided. However, although I agree that the eligibility rules must change to accommodate our veterans, we also need to provide the necessary funding to achieve these goals.

Finally, the House also considers a bill to honor the military contribution of the Commonwealth of the Philippines during World War II. These Filipino forces were instrumental in helping the United States defend our democratic ideals during the war. We should be proud of all the contributions made by our Filipino neighbors on the Pacific front.

The contributions made by veterans during times of war, is what allows us to enjoy these times of peace. We must continue to support and honor our veterans. America will always be grateful to its veterans for the sacrifices made for this great Nation.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in strong support of House Concurrent Resolution 191 which recognizes Philippine war veterans and the contributions and sacrifices they made to and for United States efforts during World War II.

The Philippines and the United States enjoyed a close relationship for nearly a century. This relationship was most clearly evident during the battle in the Pacific in World War II. The Philippine Independence Act of 1934 set a 10-year timetable for the eventual independence of the Philippines, but was delayed another 2 years because of the Japanese occupation. Under the act, effective in 1946, the United States President retained the right to call into the service of the United States Armed Forces all military forces organized by the Commonwealth of the Philippines. Due to its vital importance to the defense of the United States, President Roosevelt invoked an Executive order on July 26, 1941, bringing Philippine soldiers into the service of the United States Armed forces under the command of General Douglas MacArthur. Under this Executive order, Philippine soldiers who served in regular components of the United States Armed Forces and the Old Scouts were considered members of the United States forces.

In 1946 Congress passed the Rescissions Act which limited benefits these Philippine soldiers could receive, reneging on commit ments to these servicemen. Despite their sacrifices and exemplary service, these Philippine soldiers were subjected to lesser status previously assured them by the United States. Although these veterans faced the same hardships and risks as their American counterparts, the passage of the 1946 Recessions Act stripped these veterans for recognition they rightfully deserved.

When President Roosevelt called on the Philippine military to join forces with the United States, they did so with honor and resilience. Without hesitation they courageously mounted a remarkable defense of the islands, particularly a Bataan and Corregidor. Their perseverance effectively resisted the enemy and ultimately led to the retaking of the Philippines. This heroic service prevented the enemy from conquering the Pacific and allowed United States troops, under the command of General Douglas MacArthur, to return to the Philippines. Their valor was instrumental in United States preparations for the final assault on Japan.

Today we have the opportunity to acknowledge the contributions and sacrifices of these Philippine veterans who bravely fought along side American forces in the battle in the Pacific Theater. House Concurrent Resolution 191 recognizes and honors these men who gave their lives for Freedom. We need to go further to grant full equity to these Philippine veterans by providing them all the benefits due United States veterans. Congress took the first step in 1990 to address this inequity by permitting Philippine veterans of World War II to apply for naturalization and to receive full benefits after May 1, 1991. I urge my colleagues to join in recognizing the contributions of these Philippine soldiers and vote yes on this resolution.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 191.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 191.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

□ 1530

SUPPORTING A RESOLUTION OF THE CRISIS IN KOSOVA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 155) concerning human and political rights and in support of a resolution of the crisis in Kosova, as amended.

The Clerk read as follows:

H. CON. RES. 155

Whereas the Constitution of the Socialist Federal Republic of Yugoslavia, adopted in 1946 and the amended Yugoslav Constitution adopted in 1974, described the status of Kosova as one of the 8 constituent territorial units of the Yugoslav Federation;

Whereas the political rights of the Albanian majority in Kosova were curtailed when the Government of Yugoslavia illegally amended the Yugoslav federal constitution without the consent of the people of Kosova on March 23, 1989, revoking Kosova's autonomous status;

Whereas in 1990, the Parliament and Government of Kosova were abolished by further unlawful amendments to the Constitution of Yugoslavia;

Whereas in September 1990, a referendum on the question of independence for Kosova was held in which 87 percent of those eligible to participate voted and 99 percent of those voting supported independence for Kosova;

Whereas in May 1992, a Kosovar national parliament and President, Dr. Ibrahim

Rugova, were freely and fairly elected, but were not permitted to assemble in Kosova;

Whereas according to the State Department Country Reports on Human Rights for 1995, "police repression continued at a high level against the ethnic Albanians of Kosova . . . and reflected a general campaign to keep [those] who are not ethnic Serbs intimidated and unable to exercise basic human and civil rights";

Whereas over 100,000 ethnic Albanians employed in the public sector have been removed from their jobs and replaced by Serbs since 1989;

Whereas the government in Belgrade has severely restricted the access of ethnic Albanians in Kosova to all levels of education, especially in the Albanian language;

Whereas the Organization on Security and Cooperation in Europe observers dispatched to Kosova in 1991 were expelled by the government in Belgrade in July 1993, and have not been reinstated as called for in United Nations Security Council Resolution 855 of August 1993;

Whereas following the departure of such observers, international human rights organizations have documented an increase in abuses;

Whereas the United Nations announced on February 27, 1995, that Serbia had granted it permission to open a Belgrade office to monitor human rights in Serbia and Kosova;

Whereas Congress directed the State Department to establish a United States Information Agency (U.S.I.A.) cultural center in Prishtina, Kosova, in section 223 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993;

Whereas Secretary of State Warren Christopher announced on February 27, 1996, that Serbian leader Slobodan Milosevic has agreed to the establishment of such center and that preparations for the establishment of the center are proceeding;

Whereas, with the signing of the Dayton agreement on Bosnia, future peace in the Balkans hinges largely on a settlement of the status of Kosova; and

Whereas the President has explicitly warned the Government of Serbia that the United States is prepared to respond in the event of escalated conflict in Kosova caused by Serbia: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the situation in Kosova must be resolved before the outer wall of sanctions against Serbia is lifted and Serbia is able to return to the international community;

(2) the human rights of the people of Kosova must be restored to levels guaranteed by international law;

(3) the United States should support the legitimate claims of the people of Kosova to determine their own political future;

(4) international observers should be returned to Kosova as soon as possible;

(5) the elected government of Kosova should be permitted to meet and exercise its legitimate mandate as elected representatives of the people of Kosova;

(6) all individuals whose employment was terminated on the basis of their ethnicity should be reinstated to their previous positions;

(7) the education system in Kosova should be reopened to all residents of Kosova regardless of ethnicity and the majority ethnic Albanian population should be allowed to educate its youth in its native tongue;

(8) the establishment of a United States Information Agency cultural center in Prishtina, Kosova, is to be commended; and

(9) the President should appoint a special envoy to aid in negotiating a resolution to the crisis in Kosova.

The SPEAKER pro tempore (Mr. CALVERT). Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from New York [Mr. ENGEL] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 155 notes our continuing concern about the situation in Kosova and its Albanian majority. As we have focused most of our attention on Bosnia, the people of Kosova have suffered under unlawful amendments to their Yugoslav constitution, police repression, employment discrimination, restricted education, expulsion of international observers and more.

Indeed, many believe the seeds of the conflict that erupted in the former Yugoslavia were sown in Kosova.

I hope all Members will join in sending a message to the Kosovan people that we have not forgotten them and that the United States Congress will continue to press for restoration of their civil and political rights. Let us adopt this resolution today.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

It is my honor and pleasure to speak in favor of House Concurrent Resolution 155, which is a resolution which I have authored. I have spent many, many years in this Congress bringing forth the case of the Albanian people in Kosova before this Congress, and I am delighted to see this resolution on the floor.

I want to thank my good friend, the gentleman from Nebraska, MR. BEREUTER, as well as the gentleman from New York, Chairman GILMAN, and also the gentleman from New Jersey, Chairman CHRIS SMITH, who has played a major role, a very, very helpful role, in bringing forward the terrible human rights violations so that this Congress understands that.

I also want to thank the cosponsors of the bill, the people who have agreed to sponsor the bill with me, the gentlewoman from New York [Ms. MOLINARI], the gentleman from California [Mr. LANTOS], the gentleman from Illinois [Mr. PORTER], the gentleman from Michigan [Mr. LEVIN], the gentleman from New York [Mr. KING], the gentleman from New Jersey [Mr. TORRICELLI], the gentleman from Virginia [Mr. MORAN], the gentlewoman from New York [Mrs. KELLY], the gentleman from Michigan [Mr. BONIOR], the gentleman from California [Mr. MILLER], and the gentleman from California [Mr. ROHRABACHER]. I want to thank them all for their support as well.

Mr. Speaker, I have recently, just last week, come back from a trip to Kosova where I had the honor of cutting the ribbon and hoisting the American flag at the opening of the new USIA office in Prishtina, which is the capital of Kosova. I can tell my colleagues that, as we hoisted the American flag in our new office, there were throngs of people across the street chanting USA, USA, and free Kosova, free Kosova.

Indeed, the human rights violations in that region of the world are nonexistent. Let me say a little about Kosova. Kosova is an area contained in what is now Serbia, former Yugoslavia, which contains at least 90 percent ethnic Albanians. These ethnic Albanians have no political or civil rights whatsoever. The situation there is very bleak and grim and seems to be getting worse, not better.

I have often said that, if we allow the incidents in Kosova to remain unchecked, Bosnia would be a tea party compared with what might happen to the people in Kosova, because the nationalism there is just as terrible as it was in Bosnia. With the repression of the Albanian majority, I shudder to think what might happen if the United States might turn the other way.

House Concurrent Resolution 155 simply says that the outer wall of sanctions shall remain in place against Serbia until there are improvements in the human rights situation in Kosova. The outer wall of sanctions prevents Serbia from joining certain international organizations, including monetary organizations, which they are eager to join.

I must say that in visiting Kosova I also visited Belgrade, the capital of Serbia, and met with Serbian President Milosevic and made it clear to him as well that the United States was not prepared to lift the outer wall of sanctions until we saw substantial improvement in the human rights situations in Kosova. I relayed this to the Serbian authorities in Kosova as well.

The resolution also demands the restoration of all human and political rights in Kosova. I must say that the Albanian Parliament there was elected more than 4 years ago and was never allowed to meet, under threat of jail and repression. None of its leaders were allowed to meet. The 4 years have come and gone, and, as a result, they have never met and have no political rights.

It also commends the opening of the United States Information Agency office. This is a small step but a step in the right direction. I have often said that we need to have an American presence on the ground in Kosova with the American flag flying. It sends very important messages to two parties, one to the ethnic Albanians there, again comprising over 90 percent of the population. It tells them this United States has not abandoned them, that the

United States stands by them, that the United States will continue to monitor the situation and that we will not tolerate lack of human rights for all peoples in Kosova.

It also sends a very important message to the Serb Government, particularly Serb President Milosevic. It says to him again that the United States is engaged; the United States is watching; that the United States will not tolerate the abuses, human rights abuses of the majority in Kosova.

So I believe it sends a very, very important message. It is also significant, the fact that, since we are closing consulates and closing offices around the world due to budgetary constraints, here is the one place where we are opening an office. So it further emphasizes the United States concern with the lack of human rights in Kosova.

As my friend from Nebraska said, there was an expulsion of international observers again by the Serbs, so we do not have international observers observing the human rights situation in Kosova. So the United States Information Agency office is all the more important, and we must have international observers back as soon as possible.

The resolution also and very importantly says that the President ought to send a presidential envoy to help mediate the situation there between the Albanians and the Serbs. We have seen in other parts of the world, notably Northern Ireland, where a United states envoy was appointed. We have seen in Bosnia, for instance, where, with United States envoys, the United States is involved, and the United States grabbed the bull by the horns so to speak to prevent further atrocities from happening.

I believe very strongly, and this resolution says very strongly, that the United States envoy there would be very, very important. On the appointment of a presidential envoy, I raised this with Mr. Milosevic the other week in Belgrade. While he rejected it and said it would be meddling in Serbian internal affairs, I believe that it is something that we should continue to pursue and something that we should do.

Now, let us talk about the lack of freedoms that the Albanians have in Kosova. They are constantly harassed by Serbian police and the Serbian presence. There is 80 percent and higher unemployment amongst the Albanian population because there has been wholesale firings and expulsion of Albanian workers in hospitals, in universities, in schools.

So the Albanian population has no hope of getting jobs or being employed. I have said to the Serbian authorities when they talked about wanton actions of terror, I said I was absolutely opposed to terror; but I thought despair breeds terror, and right now the Albanian population is in despair. They are in despair because there is no hope for the future with the situation just the way it is.

With our European allies recognizing Serbia, many of the Kosovars feel even more abandoned. So the United States is the one country in the world that holds the promise of opportunity to them so that they know that the United States has not abandoned them. That is why when they were yelling USA, USA, those American flags were being flown. They were waving American flags and handing me and other members of our delegation flowers. It was really something to behold.

The Albanian language is repressed. Albanian schools are repressed. Albanian health facilities are repressed, so basic health care cannot be gotten by the average Albanian. And again this Congress has provided, other Congresses have provided $6 million of humanitarian assistance to Kosova. I saw firsthand on the ground what our American dollars are doing so that mothers who have never had any kind of health care whatsoever can go to these clinics, helped in large part by American funds and governmental funds and private donations so that these women can have their babies in clean surroundings for the first time attended to by medical doctors.

Again, these Albanian doctors who have been fired from their jobs are all volunteering and have a tremendous spirit of all for one and one for all.

So this resolution, I believe, goes a long way in sending a very, very important message in that area of the world, both to the Albanians, who are repressed by the Serbian authorities, and to the Serbs and Mr. Milosevic that the United States again is engaged and the United States says the sanctions will not end until there are human rights improvements and we demand the restoration of all human and political rights.

Mr. Speaker, I think that this Congress ought to be commended. In some of our other legislation we passed similar legislation involving the points of House Concurrent Resolution 155, but this is the first time that we are actually having a freestanding resolution. For that, I think that the Committee on International Relations, the gentleman from New York, Chairman GILMAN, the gentleman from Indiana [Mr. HAMILTON], and others are to be commended.

I think that this Congress is about to be commended because the United States again is looked upon as a champion of freedom by so many people in the world, but certainly by the ethnic Albanians in Kosova. They know that the United States is the champion of freedom. This little small effort says to them we have not abandoned you, we will not forget you, we will be there until all human and political rights are restored in Kosova.

Mr. Speaker, I include for the RECORD documents relating to this topic.

U.S. DEPARTMENT OF STATE,
Washington, DC, July 19, 1996.

Hon. ELIOT ENGEL,
House of Representatives,
Washington, DC.

DEAR MR. ENGEL: Thank you for your June 11 letter to President Clinton regarding the situation in Kosovo. The State Department has been asked to respond on his behalf.

We appreciate and are gratified by your comments concerning the Administration's deep engagement in the search for a peaceful, equitable solution in Kosovo. Like you, the Administration is fully committed to ensuring that all the people of Kosovo have the ability to participate fully in the life of the region.

Early in his term, President Clinton reaffirmed President Bush's "Christmas Warning" of a military response to Serb-instigated violence in Kosovo. Likewise, a key requirement for lifting the "Outer Wall" of sanctions is progress towards resolving the situation in Kosovo. These sanctions apply to membership in the United Nations and other international organizations; normalization of our bilateral relations; and membership in the World Bank, International Monetary Fund and other International Financial Institutions. Milosevic is very eager to overcome these sanctions and we have left him with no doubts how to do so.

While we share your concern regarding the situation in Kosovo, we do not believe that there is a need for a special envoy to deal solely with this issue. Assistant Secretary John Kornblum, who leads our efforts in the former Yugoslavia, has made Kosovo a priority. He meets frequently with President Milosevic and always makes clear that there must be progress on Kosovo if the "FRY" is to emerge from the shadow of the Outer Wall. In fact, every high Administration official who has met with Milosevic has insisted on the need to act on Kosovo.

In addition to continuing pressure on the Belgrade authorities, Secretary Christopher and Ambassador Kornblum have met with Dr. Rugova and other LDK leaders on several occasions. It is our hope that these contacts will lead to serious talks between the parties on the future of Kosovo. We are hopeful that both sides will soon be prepared to sit down and discuss a peaceful solution to the situation in Kosovo.

Sincerely,

BARBARA LARKIN,
Acting Assistant Secretary,
Legislative Affairs.

HOUSE OF REPRESENTATIVES
Washington, DC, June 11, 1996.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We would like to express our appreciation for the steps your administration has taken to encourage an equitable resolution to the crisis in Kosova, including high level diplomatic meetings with President Ibrahim Rugova and progress toward the establishment of a USIA office in Prishtina.

Unfortunately, in recent weeks the situation in Kosova has deteriorated, with tensions rising significantly following the deaths of two young Albanians. Moreover, Kosovars feel increasingly slighted because the United States and the international community did not place their very legitimate claims on the agenda during the talks in

Dayton and have not yet appeared to make Kosova a priority.

We believe that the time has come to afford the situation in Kosova the attention it deserves. This means that the United States must give the highest level of attention to Kosova right now to prevent the situation there from worsening even more.

We, therefore, strongly urge you to appoint a special envoy to help negotiate a settlement of the Kosova crisis.

Thank you for your immediate attention to this matter.

Sincerely,

Members of Congress Eliot L. Engel, Tom Lantos, Susan Molinari, John E. Porter, Sander M. Levin, Eva M. Clayton, Sue Kelly, James P. Moran, David E. Bonior, Peter T. King, Martin R. Hoke, Nita M. Lowey, Donald M. Payne, George Miller, Edolphus Towns, Jose E. Serrano, Robert G. Torricelli, Dana Rohrabacher, John W. Olver, Charles E. Schumer.

[From the Washington Post, July 21, 1996]

KOSOVA'S ALBANIANS LOOK TO U.S. FOR HELP

AMERICAN OFFICE OPENED IN SERB-RULED REGION

(By Michael Dobbs)

PRISHTINA, YUGOSLAVIA.—Ibrahim Rugova, an ethnic Albanian, says he is the duly elected president of Kosova—even though it is a Serbian province whose official leaders are appointed by authorities in Belgrade. Nonsense, insists Aleksa Jokic, a Serb, who recently was appointed governor of Kosova—even though its population is overwhelmingly Albanian.

Today, the two men stood on either side of a U.S. congressman from the Bronx, as the Stars and Stripes rose over the new U.S. information center here in Kosova's capital. Rugova was smiling. Jokic grimaced as a crowd of a hundred or so Albanians changed "Free Kosova," "Rugova" and "USA, USA." The two rivals shook hands gingerly but did not exchange a word.

"This is diplomacy at its best," murmured Larry Butler, charge d'affairs of the U.S. Embassy in Belgrade, after declaring the first representative office of a foreign power in Prishtina open for business. "You can't imagine how awkward this occasion is for some people here."

The scene outside the U.S. information center in this sprawling, dirt-poor town illustrated the complexities of politics in this part of the world and the influence the United States is capable of wielding, when it chooses to do so. Along with Bosnia and Macedonia, Kosovo is one of those proverbial Balkan tinderboxes that only attract the world's attention when there is an almighty explosion. Ninety percent of Kosovo's 2 million people are Albanian. Historically and culturally, however, the region is the cradle of Serbdom.

It was here, in the year 1389, that Serbia's most potent historical image was born, when the Serb Prince Lazar was slain by his Turkish enemies on the Field of Blackbirds, just outside Pristina. For the next 600 years, including more than four centuries of Ottoman rule, Serb children were brought up to avenge Lazar's defeat.

Accordingly, it was here too that Serbian President Slobodan Milosevic began his ascent to power in 1986, when he unleashed the demons of nationalism by promising to defend the rights of the beleaguered Serb minority in Kosovo. In fact, human rights monitors say it is the minority that is oppressing the majority. Over the past five years, more than 125,000 ethnic Albanians have been dismissed from their jobs and deprived of access to state-run health services. Many factories have closed, and there is virtually no investment. Western aid workers in Pristina say Albanians are frightened to open businesses of any significant size, because they fear expropriation by the Serbian authorities.

Kosovo's predominantly Muslim Albanians dream of the day when they will shake off Serbian rule and unite with Albania. In the meantime, their leaders have embarked on a policy of total noncooperation with Belgrade. They boycott Serb-run elections, organize their own schools, universities and medical services, and publish their own newspapers. Rugova heads a shadow government that boasts its own parliament and taxation service.

Key to Rugova's strategy of nonviolent civil disobedience is the support of the outside world. When West European governments extended full diplomatic recognition earlier this year to Yugoslavia—of which Serbia is the dominant republic—many Kosovo Albanians felt abandoned. The United States is the only major country that still refuses to send an ambassador to Belgrade, as long as human rights abuses continue in Kosovo.

The Kosovo cause has been kept alive in Washington by a small group of congressmen led by Rep. Eliot L. Engel (D-N.Y.), whose constituents include 20,000 ethnic Albanians living in the Bronx. Engel, who was on hand for today's ceremonies in Pristina, will sponsor a resolution in the House of Representatives next week urging the Clinton administration to appoint a special envoy to Kosovo to negotiate a settlement between the rival sides.

"Human rights violations here are getting worse, not better," said Engel, citing a series of recent arbitrary police beatings and continuing dismissals of Albanian workers. He said that the opening of the U.S. information office, for which he lobbied hard, would send a message both to Milosevic and to the Albanians that the United States had "not forgotten Kosovo." The two-story center contains reference materials and computer terminals that visitors can use to view CD-ROMs.

Despite a generally tense atmosphere in Pristina and other Albanian towns, the Serb police presence on the streets is significantly less onerous than it was several years ago. The Clinton administration, like the Bush administration before it, has privately warned Milosevic that it will react forcefully to any attempt by Yugoslavia to resolve the Kosovo problem through "ethnic cleansing," the forced expulsion of non-Serbs. The result is a political standoff, in which Serbs and Albanians are having little to do with each other.

At a meeting with Engel, Jokic brushed aside allegations of human rights abuses and complained of a series of "terrorist acts" by Albanians against the Serb police. He said that over the last few months five Serb policemen have been killed and two injured in Albanian attacks. He also criticized the Albanians for refusing to take part in Serbian elections, saying that they were depriving themselves of the ability to influence the result.

The United States, along with several European countries, has linked relaxation of sanctions still being imposed against Yugoslavia to a "significant improvement" in the human rights situation in Kosovo. This "outer wall" of sanctions includes membership of international financial institutions and access to international credits. But there is disagreement over precisely what is required of Yugoslavia. Engel argues that the Serbs would have to offer the Kosovo Albanians the right of self-determination. The State Department has suggested that it would be satisfied with some kind of autonomy for Kosovo.

In their isolation, many Albanians have come to look upon the United States as a mythic great power that will come to their aid. Rugovo described the U.S. information center as "a direct link with the United States"—U.S. diplomats point out that it is actually only an adjunct of the embassy in Belgrade—and said that today was "a historic day for Kosovo." Albanian-language newspapers rarely mention that Washington does not recognize Rugovo as president of Kosovo and is opposed to the region's secession from Yugoslavia.

"The Albanians think that America is their only hope for getting a republic, for getting independence," said Lisa Adams, an American physician who has spent the past two years in Kosovo running a medical assistance program. "People want to see this information center as a mini-embassy."

Jokic, the Serb provincial governor, sees things very differently. He blames the West for Kosovo's economic plight, arguing that sanctions have deprived the region of investment. As for the chants of "Free Kosovo," he shrugged his shoulders. "Kosovo is already free," he said. "They are saying what already exists."

Mr. ENGEL. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank and congratulate my colleague, the gentleman from New York [Mr. ENGEL], for the leadership that he has shown on this issue. It has been extraordinarily important. He approaches these issues related to Albania, the former Yugoslavia Republic of Macedonia, and Kosova in a very responsible and enlightened fashion.

I regret the fact he has left the Committee on International Relations for other responsibilities in the Congress, but we will continue to seek and receive, with gratitude, his outstanding efforts in advising us on this troubled part of the world.

I think that the relationships between the country of Albania, the former Yugoslavia Republic of Macedonia and Kosova are very much related in the southern Balkan region. The relationships between Albania and the United States are improving rather dramatically. I think we now have that opportunity with the former Yugoslavia Republic of Macedonia.

Now we have to focus once more and indeed with additional emphasis, I think, on the abuses that exist toward the Albanian majority in Kosova. Former Members of Congress and Members of Congress have to approach this issue in a very responsible fashion. We have unfortunately, the opportunity also not to do just good and to do what is important in our national interest, but to do things which are provocative and unfortunate.

The gentleman from New York leads the way in an enlightened responsible approach toward our relationship to Serbia with respect to Kosova and the Albanian majority that exists there. What we do in this Congress and what we do outside of this Congress is very important in restoring stability in that part of the world, and that is very crucial, or we may find that we have a deep problem within the NATO alliance.

So I commend once more my colleague for his leadership and look forward to additional examples of it in this and other areas.

Mr. GILMAN. This concurrent resolution of the House concerns the deplorable human rights situation in Kosova, a formerly autonomous republic of the former Yugoslavia. Its autonomous status under the consideration of the former Yugoslavia was revoked by Serbian President Milosevic in 1989, and many cite this action by Serbia as the beginning of the conflict which was to consume most of the former Yugoslavia in the years 1991–95. I commend the gentleman from New York [Mr. ENGEL] for introducing this resolution, and I am proud to be listed as a cosponsor.

Many in the Congress, myself included, feel that it was a mistake to lift the sanctions against Serbia without linking this action with the situation in Kosova. The prospect for peace in Bosnia has raised hopes all over the region.

However, the people in Kosova do not feel that hope. For them the lesson of Bosnia is that violence is a way to win concessions from the international community. They see the Serbs in Bosnia rewarded for their aggression by the creation of the so-called Republic of Srbska. What is the international community to say to the long-suffering people of Kosova who have seen their autonomy trampled upon by the Serbian authorities, the loss of their civic institutions and the denial of their most basic rights?

Earlier this month the United States Information Agency opened an office in Pristina, Kosova. This will allow for a permanent American presence in the Republic to monitor human rights and the overall situation. As with USIA offices in other parts of the world that have been deprived of fundamental freedoms, this office will also provide a window to a better and fairer system.

The Congress included authorization to open this office in the State Department's fiscal year 1994 and 1996–97 authorization bills adopted by this House. While I commend the administration for finally acting on this expression of congressional intent, it should note the Congress' strong opposition to a further easing of sanctions on Serbia until the situation in Kosova is addressed and resolved.

This resolution will send a message of hope to the people of Kosova, and a message to Serbia that the Congress is keeping the issue of Kosova under review. I also hope that it will serve to strengthen the administration's commitment to improving the human rights situation in Kosova. I urge all of my colleagues to join in adopting House Concurrent Resolution 155.

Mr. LEVIN. Mr. Speaker, I rise today as one of the original sponsors of this resolution to voice my strong support for House Concurrent Resolution 155 which expresses the sense of Congress on the situation in Kosova.

In 1989, Belgrade unilaterally revoked the autonomous status of Kosova. Albanians in Kosova, who make up over 90 percent of the population, subsequently voted for Kosavar independence in 1991. Since that time, Serb security officials have waged a campaign of repression that has included widespread torture, beatings, killings, and harassment of Albanians throughout Kosova. Over half of the more than 250,000 Albanians in the work force have been fired from their jobs and even more have fled the region rather than face certain persecution.

While the administration has taken an active role, including opening of USIA office in Prishtina, more needs to be done. The administration needs to appoint a special envoy to Kosova to help resolve the crisis. Furthermore, the United States along with our European allies must condition the lifting of sanctions against Serbia with clear and concrete progress on the matter of Kosova.

By appointing a full time envoy and linking the lifting of sanctions on Serbia with the restoration of the full spectrum of human and political rights to the people of Kosova, the United States can help to broker a peaceful and lasting resolution to the matter. To not to do so, would be to invite the situation to escalate into a new, even wider conflict in the Balkans. Thereby ending our best chance for peace in the Balkan region.

The resolution presents an effective policy for accomplishing these goals. I urge my colleagues to vote "yes" on the resolution and send a clear statement in support of the rights of the people of Kosova.

Mr. PORTER. Mr. Speaker, as an original cosponsor of House Concurrent Resolution 155, I rise today to strongly urge its immediate passage.

Kosovo, known as Kosova to ethnic Albanians, is the region in southern Serbia which has been the focal point of bitter struggles between Serbs and Albanians for centuries. Albanians make up over 90 percent of the current population of the area. In 1989 and 1990, the Serbian parliament passed amendments to the Serbian Constitution that eliminated the wide-ranging autonomy Kosova had enjoyed under the 1974 Constitution. As a result, turmoil erupted in the country and dozens of innocent lives were lost in violent protests and riots. Over 100,000 ethnic Albanians have been fired from their employment and replaced by Serbs. Hundreds of ethnic Albanians have been arrested and beaten by Serbian police for allegedly engaging in nationalist activities. According to the State Department Country Reports on Human Rights for 1995, "police repression continued at a high level against the ethnic Albanians of Kosova * * * and reflected a general campaign to keep [those] who are not ethnic Serbs intimidated and unable to exercise basic human and civil rights."

Mr. Speaker, we are still trying to cope with the unconscionable acts that occurred in Bosnia. I doubt that the men, women, and children, who were forced to live their lives for over 3 years under the constant stress of this violent conflict will ever fully recover from the terrifying experience. Many experts warn that Kosova could become the next major battleground in the former Yugoslavia, possibly drawing neighboring countries into a regional war, presenting a very real danger to regional stability. Mr. Speaker, we must do everything possible to prevent this tragedy from occurring.

This resolution aims to bring peace and stability to Kosova by insisting that the situation in Kosova must be resolved before the outer wall of sanctions against Serbia is lifted and that country is able to return to the international community. Furthermore, this resolution insists that the human rights of the people of Kosova must be restored to levels guaranteed by international law.

Just this past month, we witnessed what I believe is a positive sign that peace and prosperity lie ahead for the people of Kosova. After much urging, the United States Information Agency finally opened an office in Kosova. This is a very encouraging step, and I hope that the State Department continues to make Kosova a priority by appointing a special envoy to aid in negotiating a resolution to the crisis in Kosova.

I thank my colleague Mr. ENGEL for bringing the situation in Kosova to the attention of Congress, and I strongly urge my colleagues to support the passage of this resolution which will help to bring resolution of the crisis in Kosova.

Mr. BONIOR. Mr. Speaker, I am proud to rise in support of this resolution recognizing the rights of the people of Kosova.

We all heard about the ethnic cleansing, the human rights abuses, and the violence in Bosnia over the past 5 years. The images on television and the horrific stories written in our papers led many of us to say, "Stop the killing!"

Now there is a peace agreement in place, and we are working with others in the international community to restore the faith and trust of the Bosnian people in each other, in their leaders, and in their communities. But what many people may still not know is that there is another troubled region in the former Yugoslavia. It is a place called Kosova. And until the situation in Kosova improves, we will never have a lasting peace in the Balkans.

Mr. Speaker, America can't turn its back on the people of Kosova any longer. The people of Kosova have witnessed human rights abuses by Serbian authorities. They have been the victims of a systematic attempt to shut down their culture and their economy. But the people of Kosova are standing strong today—and we must stand with them. We should not lift the remaining sanctions against Serbia until the situation in Kosova improves.

Mr. Speaker, that is what this resolution calls for. It also calls on Serbia to restore human rights in Kosova, to allow the elected Government of Kosova to meet, to allow people who lost their jobs to be reinstated and to reopen the education system. Above all, it states that the free will of the people of Kosova must be respected.

Mr. Speaker, passing this resolution will put Congress on record as supporting the rights of the people of Kosova.

America is the strongest democracy in the world.

We have an obligation to stand up for human rights. We can do that by passing this

resolution in support of the rights of the people of Kosova.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 155, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 155.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

□ 1545

ANNUAL REPORT OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, 1994—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. CALVERT) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking and Financial Services:

To the Congress of the United States:

Pursuant to the requirements of 42 U.S.C. 3536, I transmit herewith the 30th Annual Report of the Department of Housing and Urban Development, which covers calendar year 1994.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 29, 1996.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CAMPAIGN COMMERCIALS DECEIVE SENIOR CITIZENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, a few years ago I served in the North Carolina General Assembly and as a member of the assembly I had a very deep concern about political ads, and in particular those ads that were intentionally developed to mislead and to distort factual information.

My concern was that for a democracy to remain strong, we have to have informed voters and the people have to know the facts, and the facts from the fictions. from the distortions.

Mr. Speaker, I have really been upset in the last few months and concerned that the labor unions throughout our country have been running ads about Medicare cuts and in my opinion outright distortions intentionally done to fool and to scare the voters. I think that is a tragedy for any democracy, because the strength of a democracy is informed voters and people that participate in the system.

Mr. Speaker, as it has happened over the past few months, many of my freshmen Republican colleagues have been the target of those half-truths and distortions. In the State of North Carolina, my home State, two of my very good friends, Congressman FRED HEINEMAN and Congressman DAVID FUNDERBURK have been targets, just like other members of the freshman class, of these distortions and half-truths.

Mr. Speaker, I thought it would be good today if I could read an editorial from my district, I thought, to even make better points than I could make here on the floor today about how these distortions and outright lies have fooled so many of our senior citizens.

I do not think there is any group in America that I feel more concerned about that would be misled intentionally than the senior citizens. And when I know that an organization like the labor unions have done this intentionally to scare them from voting for my colleagues it is something that we all should be concerned about, no matter what side of the aisle we may be on.

With that, Mr. Speaker, I am going to read for you the editorial that I made reference to. It was Thursday, July 25, 1996. The Goldsboro News-Argus, and the title of the editorial is, "Don't Be Fooled: Campaign Commercials on GOP Medicare Cuts are a Lie."

Mr. Speaker, now I will read the editorial:

People in public office should be accountable for their conduct. At campaign time, it is appropriate for opponents to focus on incumbents' voting records they feel might be contrary to the public interest.

Hence, the AFL–CIO sponsored TV commercials calling attention to the voting records of Republican Congressmen Fred Heineman and David Funderburk on Medicare would seem fair enough.

But they aren't fair at all. They are predicated on an outright lie—and the campaign to re-elect Bill Clinton is using the same twist of the facts.

The presidential campaign ads claim Bob Dole and Newt Gingrich are trying to end Medicare.

The AFL–CIO ads targeting Heineman and Funderburk pointedly accuse the two of voting "to cut Medicare by $270 billion" a year.

The truth of the matter is that Heineman and Funderburk, like their fellow Republicans, voted to increase Medicare appropriations by 7 percent.

How was the AFL–CIO able to twist that into a Medicare cut of $270 billion?

It's done the same way the Democratic Party has been trying to scare the daylights out of the elderly and the poor all along.

While Republicans in Congress have been working—in response to a mandate from their electorate—to get control of runaway federal spending, Democrats, typically, have been loathe do so. Democrats, and President Clinton, wanted a 10 percent increase in allocations for Medicare—more than double the annual overall rate of inflation.

Republicans insisted on limiting the increase to 7 percent—not cutting the appropriation.

While it can be argued that medical costs are outstripping the overall inflation rate—as they have done consistently—one possible way of bringing this in check might be to put some sort of restraints on growth of Medicare costs.

I won't be done by having the government continue to fuel runaway escalation of medical costs.

All members of Congress should be answerable to the electorate for their voting records. But the people of this country should resent and reject political advertisements based on lies.

Let me repeat that again. That "the people of this country should resent and reject political advertisements based on lies."

Mr. Speaker, that is my purpose of coming to the floor today. I think the strength of a democracy, again as I said earlier, depends on the information that is provided the voters and I hope that both sides of the fence will try to deal with the facts and not fiction and lies.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. ENGEL) to revise and extend her remarks and include extraneous material:)

Mrs. COLLINS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. BEREUTER) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes each day on July 30 and 31 and August 1 and 2.

Mr. STEARNS, for 5 minutes on July 30.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Member (at the request of Mr. ENGEL and to include extraneous material:)

Mrs. KENNELLY.

(The following Members (at the request of Mr. BEREUTER) and to include extraneous matter:)

Mr. BURTON of Indiana in two instances.

Mr. CRANE.

Mr. MILLER of Florida.

Mr. BAKER of California.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On July 25, 1996:

H.R. 2337. An act to amend the Internal Revenue Code of 1986 to provide for increased taxpayer protections.

On July 26, 1996:

H.R. 1114. An act to authorize minors who are under the child labor provisions of the Fair Labor Standards Act of 1938 and who are under 18 years of age to load materials into balers and compactors that meet appropriate American National Standards Institute design safety standards.

ADJOURNMENT

Mr. JONES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 54 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 30, 1996, at 9 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4414. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Petroleum Products from Caribbean Basin Countries [DFARS Case 96-D312] received July 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

4415. A letter from the Secretary of Energy, transmitting Uranium Enrichment Decontamination and Decommissioning Fund Triennial Report, pursuant to Public Law 102-486, section 1101 (106 Stat. 2955); to the Committee on Commerce.

4416. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Interim Approval of Operating Permits Program: The U.S. Virgin Islands [VI001; FRL-5544-8] received July 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4417. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Di-(2-ethylhexyl) Adipate; Toxic Chemical Release Reporting; Community Right-to-Know [OPPTS-400095A; FRL-5389-6] received July 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4418. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cypermethrin; Pesticide Tolerance [PP 4F4291/R2265; FRL-5387-5] (RIN: 2070-AB78) received July 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4419. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 96-46), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4420. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Thailand for defense articles and services (Transmittal No. 96-65), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4421. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Travel Regulation; Maximum Per Diem Rates for Kansas City, KS and Kansas City, MO [FTR Amendment 49] (RIN: 3090-AG07) received July 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4422. A letter from the Mayor of the District of Columbia, transmitting a request to waive the 30-day congressional review period for the District of Columbia legislation entitled "Tax Lien Assignment and Sale Amendment Act of 1996," pursuant to Public Law 93-198 section 602(c)(1); to the Committee on Government Reform and Oversight.

4423. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Fishery Closure and Reallocation (50 CFR Part 285) received July 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4424. A letter from the Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna Angling Category [Docket No. 960416112-6164-02; ID 071996B] (RIN: 0648-AI29) received July 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4425. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Commerce in Explosives; Implementation of Provisions of Public Law 104-132, the Antiterrorism and Effective Death Penalty Act of 1996, Relating to Plastic Explosives [T.D. ATF-382; 95R-0360] (RIN: 1512-AB61) received July 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4426. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to provide benefits for certain children of Vietnam veterans who are born with spina bifida; to the Committee on Veterans' Affairs.

4427. A letter from the Secretary of Energy, transmitting a draft of proposed legislation to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination Program; jointly, to the Committees on Commerce and Science.

4428. A letter from the Comptroller General of the United States, transmitting a report entitled, "Financial Audit: Resolution Trust Corporation's 1995 and 1994 Financial Statements" (GAO/AIMD-96-123), July 1996, pursuant to 31 U.S.C. 9106(a); jointly, to the Committees on Government Reform and Oversight and Banking and Financial Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GILMAN: Committee on International Relations. H.R. 3846. A bill to amend the Foreign Assistance Act of 1961 to authorize the provision of assistance for microenterprises, and for other purposes (Rept. 104-715). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2292. A bill to preserve and protect the Hanford Reach of the Columbia River, and for other purposes; with an amendment (Rept. 104-716). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3487. A bill to reauthorize the National Marine Sanctuaries Act, and for other purposes; with an amendment (Rept. 104-717). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 3815. A bill to make technical corrections and miscellaneous amendments to trade laws; with an amendment (Rept. 104-718). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

H.R. 3539. Referral to the Committee on Ways and Means extended for a period ending not later than July 30, 1996.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of Indiana:

H.R. 3913. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Western Atlantic;* to the Committee on Transportation and Infrastructure.

H.R. 3914. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Beacon;* to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 294: Mr. MORAN.
H.R. 863: Mr. MASCARA.
H.R. 1100: Mrs. SCHROEDER.
H.R. 2011: Mr. DAVIS, Mr. TIAHRT, Mr. MINGE, Mr. MOAKLEY, Mr. BROWDER, Mr. FARR, and Mr. SCOTT.
H.R. 2247: Mr. COSTELLO and Mr. KLINK.
H.R. 2654: Mr. BLUMENAUER.
H.R. 2748: Mr. PORTER.
H.R. 2777: Mrs. LOWEY.
H.R. 3119: Mr. ACKERMAN.
H.R. 3199: Mr. CRANE, Mr. BONILLA, and Mr. LONGLEY.
H.R. 3224: Mr. STEARNS.
H.R. 3303: Mrs. LOWEY.
H.R. 3401: Mr. BROWN of California, Ms. PELOSI, Mr. STARK, and Mrs. MINK of Hawaii.
H.R. 3456: Mr. FROST.
H.R. 3462: Mr. VENTO.
H.R. 3565: Mr. KING.
H.R. 3714: Mr. NEY and Mr. BUNNING of Kentucky.
H.R. 3735: Mr. FATTAH.
H.R. 3818: Mr. BUNNING of Kentucky.
H.R. 3867: Mr. CRAPO.
H. Con. Res. 63: Mr. QUILLEN.
H.Con. Res. 179: Mr. BARTON of Texas.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3592

OFFERED BY: MR. SHUSTER

(Amendment in the nature of a substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 1996".

(b) TABLE OF CONTENTS.—

SEC. 2. DEFINITION.

For purposes of this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH CHIEF'S REPORTS.—Except as provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) AMERICAN RIVER WATERSHED, CALIFORNIA.—

(A) IN GENERAL.—The project for flood damage reduction, American and Sacramento Rivers, California: Supplemental Information Report for the American River Watershed Project, California, dated March 1996, at a total cost of $57,300,000, with an estimated Federal cost of $42,975,000 and an estimated non-Federal cost of $14,325,000, consisting of the following:

(i) Approximately 24 miles of slurry wall in the existing levees along the lower American River.

(ii) Approximately 12 miles of levee modifications along the east bank of the Sacramento River downstream from the Natomas Cross Canal.

(iii) 3 telemeter streamflow gages upstream from the Folsom Reservoir.

(iv) Modifications to the existing flood warning system along the lower American River.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The non-Federal sponsor shall receive credit toward the non-Federal share of the cost of the project for expenses that the sponsor has incurred for design and construction of any of the features authorized pursuant to this paragraph prior to the date on which Federal funds are appropriated for construction of the project. The amount of the credit shall be determined by the Secretary.

(C) OPERATION OF FOLSOM DAM.—The Secretary of the Interior shall continue to operate the Folsom Dam and Reservoir to the variable 400,000/670,000 acre-feet of flood control storage capacity as an interim measure and extend the agreement between the Bureau of Reclamation and the Sacramento Area Flood Control Agency until such date as a comprehensive flood control plan for the American River Watershed has been implemented.

(D) RESPONSIBILITY OF NON-FEDERAL SPONSOR.—The non-Federal sponsor shall be responsible for all operation, maintenance, repair, replacement, and rehabilitation costs associated with the improvements undertaken pursuant to this paragraph, as well as for 25 percent of the costs for the variable flood control operation of the Folsom Dam and Reservoir (including any incremental power and water purchase costs incurred by the Western Area Power Administration or the Bureau of Reclamation and any direction, capital, and operation and maintenance costs borne by either of such agencies). Notwithstanding any contract or other agreement, the remaining 75 percent of the costs for the variable flood control operation of the Folsom Dam and Reservoir shall be the responsibility of the United States and shall be nonreimbursable.

(2) SAN LORENZO RIVER, SANTA CRUZ, CALIFORNIA.—The project for flood control, San Lorenzo River, Santa Cruz, California: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $21,800,000, with an estimated Federal cost of $10,900,000 and an estimated non-Federal cost of $10,900,000.

(3) SANTA BARBARA HARBOR, CALIFORNIA.—The project for navigation, Santa Barbara Harbor, California: Report of the Chief of Engineers, dated April 26, 1994, at a total cost of $5,840,000, with an estimated Federal cost of $4,670,000 and an estimated non-Federal cost of $1,170,000.

(4) SANTA MONICA BREAKWATER, CALIFORNIA.—The project for navigation and storm

damage reduction, Santa Monica Breakwater, Santa Monica, California: Report of the Chief of Engineers, dated June 7, 1996, at a total cost of $6,440,000, with an estimated Federal cost of $4,220,000 and an estimated non-Federal cost of $2,220,000.

(5) MARIN COUNTY SHORELINE, SAN RAFAEL, CALIFORNIA.—The project for storm damage reduction, Marin County shoreline, San Rafael, California: Report of the Chief of Engineers, dated January 28, 1994, at a total cost of $28,300,000, with an estimated Federal cost of $18,400,000 and an estimated non-Federal cost of $9,900,000.

(6) HUMBOLDT HARBOR AND BAY, CALIFORNIA.—The project for navigation, Humboldt Harbor and Bay, California: Report of the Chief of Engineers, dated October 30, 1995, at a total cost of $15,180,000, with an estimated Federal cost of $10,000,000 and an estimated non-Federal cost of $5,180,000.

(7) ANACOSTIA RIVER AND TRIBUTARIES, DISTRICT OF COLUMBIA AND MARYLAND.—The project for environmental restoration, Anacostia River and Tributaries, District of Columbia and Maryland: Report of the Chief of Engineers, dated November 15, 1994, at a total cost of $17,144,000, with an estimated Federal cost of $12,858,000 and an estimated non-Federal cost of $4,286,000.

(8) ATLANTIC INTRACOASTAL WATERWAY, ST. JOHNS COUNTY, FLORIDA.—The project for navigation, Atlantic Intracoastal Waterway, St. Johns County, Florida: Report of the Chief of Engineers, dated June 24, 1994, at a total Federal cost of $15,881,000. Operation, maintenance, repair, replacement, and rehabilitation shall be a non-Federal responsibility and the non-Federal interest must assume ownership of the bridge.

(9) LAKE MICHIGAN, ILLINOIS.—The project for storm damage reduction and shoreline erosion protection, Lake Michigan, Illinois, from Wilmette, Illinois, to the Illinois-Indiana State line: Report of the Chief of Engineers, dated April 14, 1994, at a total cost of $204,000,000, with an estimated Federal cost of $110,000,000 and an estimated non-Federal cost of $94,000,000. The project shall include the breakwater near the South Water Filtration Plant described in the report as a separate element of the project, at a total cost of $11,470,000, with an estimated Federal cost of $7,460,000 and an estimated non-Federal cost of $4,010,000. The Secretary shall reimburse the non-Federal interest for the Federal share of any costs incurred by the non-Federal interest—

(A) in reconstructing the revetment structures protecting Solidarity Drive in Chicago, Illinois, if such work is determined by the Secretary to be a component of the project; and

(B) in constructing the breakwater near the South Water Filtration Plant in Chicago, Illinois.

(10) KENTUCKY LOCK AND DAM, TENNESSEE RIVER, KENTUCKY.—The project for navigation, Kentucky Lock and Dam, Tennessee River, Kentucky: Report of the Chief of Engineers, dated June 1, 1992, at a total cost of $393,200,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(11) POND CREEK, JEFFERSON COUNTY, KENTUCKY.—The project for flood control, Pond Creek, Jefferson County, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $16,080,000, with an estimated Federal cost of $10,993,000 and an estimated non-Federal cost of $5,087,000.

(12) WOLF CREEK DAM AND LAKE CUMBERLAND, KENTUCKY.—The project for hydropower, Wolf Creek Dam and Lake Cumberland, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $53,763,000, with an estimated non-Federal cost of $53,763,000. Funds derived by the Tennessee Valley Authority from its power program and funds derived from any private or public entity designated by the Southeastern Power Administration may be used to pay all or part of the costs of the project.

(13) PORT FOURCHON, LAFOURCHE PARISH, LOUISIANA.—A project for navigation, Belle Pass and Bayou Lafourche, Louisiana: Report of the Chief of Engineers, dated April 7, 1995, at a total cost of $4,440,000, with an estimated Federal cost of $2,300,000 and an estimated non-Federal cost of $2,140,000.

(14) WEST BANK OF THE MISSISSIPPI RIVER, NEW ORLEANS (EAST OF HARVEY CANAL), LOUISIANA.—The project for hurricane damage reduction, West Bank of the Mississippi River in the vicinity of New Orleans (East of Harvey Canal), Louisiana: Report of the Chief of Engineers, dated May 1, 1995, at a total cost of $126,000,000, with an estimated Federal cost of $82,200,000 and an estimated non-Federal cost of $43,800,000.

(15) WOOD RIVER, GRAND ISLAND, NEBRASKA.—The project for flood control, Wood River, Grand Island, Nebraska: Report of the Chief of Engineers, dated May 3, 1994, at a total cost of $11,800,000, with an estimated Federal cost of $6,040,000 and an estimated non-Federal cost of $5,760,000.

(16) LAS CRUCES, NEW MEXICO.—The project for flood control, Las Cruces, New Mexico: Report of the Chief of Engineers, dated June 24, 1996, at a total cost of $8,278,000, with an estimated Federal cost of $5,494,000 and an estimated non-Federal cost of $2,784,000.

(17) LONG BEACH ISLAND, NEW YORK.—The project for storm damage reduction, Long Beach Island, New York: Report of the Chief of Engineers, dated April 5, 1996, at a total cost of $72,090,000, with an estimated Federal cost of $46,858,000 and an estimated non-Federal cost of $25,232,000.

(18) WILMINGTON HARBOR, CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Wilmington Harbor, Cape Fear and Northeast Cape Fear Rivers, North Carolina: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of $23,953,000, with an estimated Federal cost of $15,032,000 and an estimated non-Federal cost of $8,921,000.

(19) DUCK CREEK, CINCINNATI, OHIO.—The project for flood control, Duck Creek, Cincinnati, Ohio: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $15,947,000, with an estimated Federal cost of $11,960,000 and an estimated non-Federal cost of $3,987,000.

(20) WILLAMETTE RIVER TEMPERATURE CONTROL, MCKENZIE SUBBASIN, OREGON.—The project for environmental restoration, Willamette River Temperature Control, McKenzie Subbasin, Oregon: Report of the Chief of Engineers, dated February 1, 1996, at a total cost of $38,000,000, with an estimated Federal cost of $38,000,000.

(21) RIO GRANDE DE ARECIBO, PUERTO RICO.—The project for flood control, Rio Grande de Arecibo, Puerto Rico: Report of the Chief of Engineers, dated April 5, 1994, at a total cost of $19,951,000, with an estimated Federal cost of $10,557,000 and an estimated non-Federal cost of $9,394,000.

(22) CHARLESTON HARBOR, SOUTH CAROLINA.—The project for navigation, Charleston Harbor Deepening and Widening, South Carolina: Report of the Chief of Engineers, dated July 18, 1996, at a total cost of $116,639,000, with an estimated Federal cost of $72,798,000 and an estimated non-Federal cost of $43,841,000.

(23) BIG SIOUX RIVER AND SKUNK CREEK, SIOUX FALLS, SOUTH DAKOTA.—The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $34,600,000, with an estimated Federal cost of $25,900,000 and an estimated non-Federal cost of $8,700,000.

(24) WATERTOWN, SOUTH DAKOTA.—The project for flood control, Watertown and Vicinity, South Dakota: Report of the Chief of Engineers, dated August 31, 1994, at a total cost of $18,000,000, with an estimated Federal cost of $13,200,000 and an estimated non-Federal cost of $4,800,000.

(25) GULF INTRACOASTAL WATERWAY, ARANSAS NATIONAL WILDLIFE REFUGE, TEXAS.—The project for navigation and environmental preservation, Gulf Intracoastal Waterway, Aransas National Wildlife Refuge, Texas: Report of the Chief of Engineers, dated May 28, 1996, at a total cost of $18,283,000, with an estimated Federal cost of $18,283,000.

(26) HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS.—The project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas: Report of the Chief of Engineers, dated May 9, 1996, at a total initial construction cost of $292,797,000, with an estimated Federal cost of $210,891,000 and an estimated non-Federal cost of $81,906,000. The project shall include deferred construction of additional environmental restoration features over the life of the project, at a total average annual cost of $786,000, with an estimated Federal cost of $590,000 and an estimated non-Federal cost of $196,000. The construction of berthing areas and the removal of pipelines and other obstructions that are necessary for the project shall be accomplished at non-Federal expense. Non-Federal interests shall receive credit toward cash contributions required during construction and subsequent to construction for design and construction management work that is performed by non-Federal interests and that the Secretary determines is necessary to implement the project.

(27) MARMET LOCK, KANAWHA RIVER, WEST VIRGINIA.—The project for navigation, Marmet Lock, Kanawha River, West Virginia: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of $229,581,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. In conducting any real estate acquisition activities with respect to the project, the Secretary shall give priority consideration to those individuals who would be directly affected by any physical displacement due to project design and shall consider the financial circumstances of such individuals. The Secretary shall proceed with real estate acquisition in connection with the project expeditiously.

(b) PROJECTS WITH PENDING CHIEF'S REPORTS.—The following projects are authorized to be carried out by the Secretary substantially in accordance with a final report of the Chief of Engineers if such report is completed not later than December 31, 1996:

(1) CHIGNIK, ALASKA.—The project for navigation, Chignik, Alaska, at a total cost of $10,365,000, with an estimated Federal cost of $4,344,000 and an estimated non-Federal cost of $6,021,000.

(2) COOK INLET, ALASKA.—The project for navigation, Cook Inlet, Alaska, at a total cost of $5,342,000, with an estimated Federal cost of $4,006,000 and an estimated non-Federal cost of $1,336,000.

(3) ST. PAUL ISLAND HARBOR, ST. PAUL, ALASKA.—The project for navigation, St.

Paul Harbor, St. Paul, Alaska, with an estimated total cost of $18,981,000, with an estimated Federal cost of $12,188,000 and an estimated non-Federal cost of $6,793,000.

(4) NORCO BLUFFS, RIVERSIDE COUNTY, CALIFORNIA.—A project for bluff stabilization, Norco Bluffs, Riverside County, California, with an estimated total cost of $8,600,000, with an estimated Federal cost of $6,450,000 and an estimated non-Federal cost of $2,150,000.

(5) PORT OF LONG BEACH (DEEPENING), CALIFORNIA.—The project for navigation, Port of Long Beach (Deepening), California, at a total cost of $37,288,000, with an estimated Federal cost of $14,318,000 and an estimated non-Federal cost of $22,970,000.

(6) TERMINUS DAM, KAWEAH RIVER, CALIFORNIA.—The project for flood damage reduction and water supply, Terminus Dam, Kaweah River, California, at a total estimated cost of $34,500,000, with an estimated Federal cost of $20,200,000 and an estimated non-Federal cost of $14,300,000.

(7) REHOBOTH BEACH AND DEWEY BEACH, DELAWARE.—A project for storm damage reduction and shoreline protection, Rehoboth Beach and Dewey Beach, Delaware, at a total cost of $9,423,000, with an estimated first Federal cost of $6,125,000, and an estimated first non-Federal cost of $3,298,000, and an average annual cost of $282,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $183,000 and an estimated annual non-Federal cost of $99,000.

(8) BREVARD COUNTY, FLORIDA.—The project for shoreline protection, Brevard County, Florida, at a total first cost of $76,620,000, with an estimated first Federal cost of $36,006,000, and an estimated first non-Federal cost of $40,614,000, and an average annual cost of $2,341,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,109,000 and an estimated annual non-Federal cost of $1,232,000.

(9) MIAMI HARBOR CHANNEL, FLORIDA.—The project for navigation, Miami Harbor Channel, Miami, Florida, with an estimated total cost of $3,221,000, with an estimated Federal cost of $1,800,000 and an estimated non-Federal cost of $1,421,000.

(10) NORTH WORTH INLET, FLORIDA.—The project for navigation and shoreline protection, Lake Worth Inlet, Palm Beach Harbor, Florida, at a total cost of $3,915,000, with an estimated Federal cost of $1,762,000 and an estimated non-Federal cost of $2,153,000.

(11) LOWER SAVANNAH RIVER BASIN, SAVANNAH RIVER, GEORGIA AND SOUTH CAROLINA.—The project for navigation and related purposes, Lower Savannah River Basin, Savannah River, Georgia and South Carolina, at a total cost of $3,419,000, with an estimated Federal cost of $2,551,000, and an estimated non-Federal cost of $868,000.

(12) ABSECON ISLAND, NEW JERSEY.—The project for storm damage reduction and shoreline protection, Brigantine Inlet to Great Egg Harbor Inlet, Absecon Island, New Jersey, at a total cost of $52,000,000, with an estimated Federal cost of $34,000,000 and an estimated non-Federal cost of $18,000,000.

(13) CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Cape Fear River deepening, North Carolina, at a total cost of $210,264,000, with an estimated Federal cost of $130,159,000, and an estimated non-Federal cost of $80,105,000.

SEC. 102. SMALL FLOOD CONTROL PROJECTS.

(a) PROJECT DESCRIPTIONS.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that the project is feasible, shall carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) SOUTH UPLAND, SAN BERNADINO COUNTY, CALIFORNIA.—Project for flood control, South Upland, San Bernadino County, California.

(2) BIRDS, LAWRENCE COUNTY, ILLINOIS.—Project for flood control, Birds, Lawrence County, Illinois.

(3) BRIDGEPORT, LAWRENCE COUNTY, ILLINOIS.—Project for flood control, Bridgeport, Lawrence County, Illinois.

(4) EMBARRAS RIVER, VILLA GROVE, ILLINOIS.—Project for flood control, Embarras River, Villa Grove, Illinois.

(5) FRANKFORT, WILL COUNTY, ILLINOIS.—Project for flood control, Frankfort, Will County, Illinois.

(6) SUMNER, LAWRENCE COUNTY, ILLINOIS.—Project for flood control, Sumner, Lawrence County, Illinois.

(7) VERMILLION RIVER, DEMANADE PARK, LAFAYETTE, LOUISIANA.—Project for nonstructural flood control, Vermillion River, Demanade Park, Lafayette, Louisiana. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the Lafayette Parish feasibility study and expedite completion of the study under this paragraph.

(8) VERMILLION RIVER, QUAIL HOLLOW SUBDIVISION, LAFAYETTE, LOUISIANA.—Project for nonstructural flood control, Vermillion River, Quail Hollow Subdivision, Lafayette, Louisiana. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the Lafayette Parish feasibility study and expedite completion of the study under this paragraph.

(9) KAWKAWLIN RIVER, BAY COUNTY, MICHIGAN.—Project for flood control, Kawkawlin River, Bay County, Michigan.

(10) WHITNEY DRAIN, ARENAC COUNTY, MICHIGAN.—Project for flood control, Whitney Drain, Arenac County, Michigan.

(11) FESTUS AND CRYSTAL CITY, MISSOURI.—Project for flood control, Festus and Crystal City, Missouri. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the existing reconnaissance study and shall expedite completion of the study under this paragraph.

(12) KIMMSWICK, MISSOURI.—Project for flood control, Kimmswick, Missouri. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the existing reconnaissance study and shall expedite completion of the study under this paragraph.

(13) RIVER DES PERES, ST. LOUIS COUNTY, MISSOURI.—Project for flood control, River Des Peres, St. Louis County, Missouri. In carrying out the study and the project (if any), the Secretary shall determine the feasibility of potential flood control measures, consider potential storm water runoff and related improvements, and cooperate with the Metropolitan St. Louis Sewer District.

(14) BUFFALO CREEK, ERIE COUNTY, NEW YORK.—Project for flood control, Buffalo Creek, Erie County, New York.

(15) CAZENOVIA CREEK, ERIE COUNTY, NEW YORK.—Project for flood control, Cazenovia Creek, Erie County, New York.

(16) CHEEKTOWAGA, ERIE COUNTY, NEW YORK.—Project for flood control, Cheektowaga, Erie County, New York.

(17) FULMER CREEK, VILLAGE OF MOHAWK, NEW YORK.—Project for flood control, Fulmer Creek, Village of Mohawk, New York.

(18) MOYER CREEK, VILLAGE OF FRANKFORT, NEW YORK.—Project for flood control, Moyer Creek, Village of Frankfort, New York.

(19) SAUQUOIT CREEK, WHITESBORO, NEW YORK.—Project for flood control, Sauquoit Creek, Whitesboro, New York.

(20) STEELE CREEK, VILLAGE OF ILION, NEW YORK.—Project for flood control, Steele Creek, Village of Ilion, New York.

(21) WILLAMETTE RIVER, OREGON.—Project for nonstructural flood control, Willamette River, Oregon, including floodplain and ecosystem restoration.

(22) GREENBRIER RIVER BASIN, WEST VIRGINIA.—Project for flood control, consisting of an early flood warning system, Greenbrier River Basin, West Virginia.

(b) COST ALLOCATIONS.—

(1) LAKE ELSINORE, CALIFORNIA.—The maximum amount of Federal funds that may be allotted under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) for the project for flood control, Lake Elsinore, Riverside County, California, shall be $7,500,000.

(2) LOST CREEK, COLUMBUS, NEBRASKA.—The maximum amount of Federal funds that may be allotted under such section 205 for the project for flood control, Lost Creek, Columbus, Nebraska, shall be $5,500,000.

(3) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the projects referred to in paragraphs (1) and (2) in order to take into account the change in the Federal participation in such projects pursuant to such paragraphs.

(4) COST SHARING.—Nothing in this subsection shall be construed to affect any cost-sharing requirement applicable to the project referred to in paragraph (1) under the Water Resources Development Act of 1986.

SEC. 103. SMALL BANK STABILIZATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that the project is feasible, shall carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) ST. JOSEPH RIVER, INDIANA.—Project for bank stabilization, St. Joseph River, South Bend, Indiana, including recreation and pedestrian access features.

(2) ALLEGHENY RIVER AT OIL CITY, PENNSYLVANIA.—Project for bank stabilization to address erosion problems affecting the pipeline crossing the Allegheny River at Oil City, Pennsylvania, including measures to address erosion affecting the pipeline in the bed of the Allegheny River and its adjacent banks.

(3) CUMBERLAND RIVER, NASHVILLE, TENNESSEE.—Project for bank stabilization, Cumberland River, Nashville, Tennessee.

(4) TENNESSEE RIVER, HAMILTON COUNTY, TENNESSEE.—Project for bank stabilization, Tennessee River, Hamilton County, Tennessee; except that the maximum amount of Federal funds that may be allotted for the project shall be $7,500,000.

SEC. 104. SMALL NAVIGATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that the project is feasible, shall carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) AKUTAN, ALASKA.—Project for navigation, Akutan, Alaska, consisting of a bulkhead and a wave barrier, including application of innovative technology involving use of a permeable breakwater.

(2) GRAND MARAIS HARBOR BREAKWATER, MICHIGAN.—Project for navigation, Grand Marais Harbor breakwater, Michigan.

(3) DULUTH, MINNESOTA.—Project for navigation, Duluth, Minnesota.

(4) TACONITE, MINNESOTA.—Project for navigation, Taconite, Minnesota.

(5) TWO HARBORS, MINNESOTA.—Project for navigation, Two Harbors, Minnesota.

(6) CARUTHERSVILLE HARBOR, PEMISCOT COUNTY, MISSOURI.—Project for navigation, Caruthersville Harbor, Pemiscot County, Missouri, including enlargement of the existing harbor and bank stabilization measures.

(7) NEW MADRID COUNTY HARBOR, MISSOURI.—Project for navigation, New Madrid County Harbor, Missouri, including enlargement of the existing harbor and bank stabilization measures.

(8) BROOKLYN, NEW YORK.—Project for navigation, Brooklyn, New York, including restoration of the pier and related navigation support structures, at the Sixty-Ninth Street Pier.

(9) BUFFALO INNER HARBOR, BUFFALO, NEW YORK.—Project for navigation, Buffalo Inner Harbor, Buffalo, New York.

(10) GLENN COVE CREEK, NEW YORK.—Project for navigation, Glenn Cove Creek, New York, including bulkheading.

(11) UNION SHIP CANAL, BUFFALO AND LACKAWANNA, NEW YORK.—Project for navigation, Union Ship Canal, Buffalo and Lackawanna, New York.

SEC. 105. SMALL SHORELINE PROTECTION PROJECTS.

(a) PROJECT AUTHORIZATIONS.—The Secretary shall conduct a study for each of the following projects, and if the Secretary determines that the project is feasible, shall carry out the project under section 3 of the Shoreline Protection Act of August 13, 1946 (33 U.S.C. 426g):

(1) FAULKNER'S ISLAND, CONNECTICUT.—Project for shoreline protection, Faulkner's Island, Connecticut; except that the maximum amount of Federal funds that may be allotted for the project shall be $4,500,000.

(2) FORT PIERCE, FLORIDA.—Project for 1 mile of additional shoreline protection, Fort Pierce, Florida.

(3) ORCHARD BEACH, BRONX, NEW YORK.—Project for shoreline protection, Orchard Beach, Bronx, New York, New York; except that the maximum amount of Federal funds that may be allotted for the project shall be $5,200,000.

(4) SYLVAN BEACH BREAKWATER, VERONA, ONEIDA COUNTY, NEW YORK.—Project for shoreline protection, Sylvan Beach breakwater, Verona, Oneida County, New York.

(b) COST SHARING AGREEMENT.—In carrying out the project authorized by subsection (a)(1), the Secretary shall enter into an agreement with the property owner to determine the allocation of the project costs.

SEC. 106. SMALL SNAGGING AND SEDIMENT REMOVAL PROJECT, MISSISSIPPI RIVER, LITTLE FALLS, MINNESOTA.

The Secretary shall conduct a study for a project for clearing, snagging, and sediment removal, East Bank of the Mississippi River, Little Falls, Minnesota, including removal of sediment from culverts. The study shall include a determination of the adequacy of culverts to maintain flows through the channel. If the Secretary determines that the project is feasible, the Secretary shall carry out the project under section 3 of the River and Harbor Act of March 2, 1945 (33 U.S.C. 603a; 59 Stat. 23).

SEC. 107. SMALL PROJECTS FOR IMPROVEMENT OF THE ENVIRONMENT.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that the project is appropriate, shall carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309(a)):

(1) UPPER TRUCKEE RIVER, EL DORADO COUNTY, CALIFORNIA.—Project for environmental restoration, Upper Truckee River, El Dorado County, California, including measures for restoration of degraded wetlands and wildlife enhancement.

(2) SAN LORENZO RIVER, CALIFORNIA.—Project for habitat restoration, San Lorenzo River, California.

(3) WHITTIER NARROWS DAM, CALIFORNIA.—Project for environmental restoration and remediation of contaminated water sources, Whittier Narrows Dam, California.

(4) UPPER JORDAN RIVER, SALT LAKE COUNTY, UTAH.—Project for channel restoration and environmental improvement, Upper Jordan River, Salt Lake County, Utah.

SEC. 108. PROJECT TO MITIGATE SHORE DAMAGE.

The Secretary shall expedite the Assateague Island restoration feature of the Ocean City, Maryland, and vicinity study and, if the Secretary determines that the Federal navigation project has contributed to degradation of the shoreline, the Secretary shall carry out the project for shoreline restoration under section 111 of the River and Harbor Act of 1968 (82 Stat. 735); except that the maximum amount of Federal funds that may be allotted by the Secretary for the project shall be $35,000,000. In carrying out the project, the Secretary shall coordinate with affected Federal and State agencies and shall enter into an agreement with the Federal property owner to determine the allocation of the project costs.

TITLE II—GENERALLY APPLICABLE PROVISIONS

SEC. 201. COST SHARING FOR DREDGED MATERIAL DISPOSAL AREAS.

(a) CONSTRUCTION.—Section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a); 100 Stat. 4082-4083) is amended—

(1) by striking the last sentence of paragraph (2) and inserting the following: "The value of lands, easements, rights-of-way, and relocations provided under paragraph (3) and the costs of relocations borne by the non-Federal interests under paragraph (4) shall be credited toward the payment required under this paragraph.";

(2) in paragraph (3)—

(A) by inserting "and" after "rights-of-way,";

(B) by striking ", and dredged material disposal areas"; and

(C) by inserting ", including any lands, easements, rights-of-way, and relocations (other than utility relocations accomplished under paragraph (4)) that are necessary for dredged material disposal facilities" before the period at the end of such paragraph; and

(3) by adding at the end the following:

"(5) DREDGED MATERIAL DISPOSAL FACILITIES FOR PROJECT CONSTRUCTION.—For purposes of this subsection, the term 'general navigation features' includes constructed land-based and aquatic dredged material disposal facilities that are necessary for the disposal of dredged material required for project construction and for which a contract for construction has not been awarded on or before the date of the enactment of this paragraph.".

(b) OPERATION AND MAINTENANCE.—Section 101(b) of such Act (33 U.S.C. 2211(b); 100 Stat. 4083) is amended—

(1) by inserting "(1) IN GENERAL.—" before "The Federal";

(2) by indenting and moving paragraph (1), as designated by paragraph (1) of this subsection, 2 ems to the right;

(3) by striking "pursuant to this Act" and inserting "by the Secretary pursuant to this Act or any other law approved after the date of the enactment of this Act"; and

(4) by adding at the end thereof the following:

"(2) DREDGED MATERIAL DISPOSAL FACILITIES.—The Federal share of the cost of constructing land-based and aquatic dredged material disposal facilities that are necessary for the disposal of dredged material required for the operation and maintenance of a project and for which a contract for construction has not been awarded on or before the date of the enactment of this paragraph shall be determined in accordance with subsection (a). The Federal share of operating and maintaining such facilities shall be determined in accordance with paragraph (1).".

(c) AGREEMENT.—Section 101(e)(1) of such Act (33 U.S.C. 2211(e)(1); 100 Stat. 4083) is amended by striking "and to provide dredged material disposal areas and perform" and inserting "including those necessary for dredged material disposal facilities, and to perform".

(d) CONSIDERATION OF FUNDING REQUIREMENTS AND EQUITABLE APPORTIONMENT.—Section 101 of such Act (33 U.S.C. 2211; 100 Stat. 4082-4084) is further amended by adding at the end the following:

"(f) CONSIDERATION OF FUNDING REQUIREMENTS AND EQUITABLE APPORTIONMENT.—The Secretary shall ensure, to the extent practicable, that—

"(1) funding necessary for operation and maintenance dredging of commercial navigation harbors is provided before Federal funds are obligated for payment of the Federal share of costs associated with construction of dredged material disposal facilities in accordance with subsections (a) and (b);

"(2) funds expended for such construction are equitably apportioned in accordance with regional needs; and

"(3) the Secretary's participation in the construction of dredged material disposal facilities does not result in unfair competition with potential private sector providers of such facilities.".

(e) ELIGIBLE OPERATIONS AND MAINTENANCE DEFINED.—Section 214(2) of such Act (33 U.S.C. 2241; 100 Stat. 4108) is amended—

(1) in subparagraph (A)—

(A) by inserting "Federal" after "means all";

(B) by inserting "(i)" after "including"; and

(C) by inserting before the period at the end the following: "; (ii) the construction of dredged material disposal facilities that are necessary for the operation and maintenance of any harbor or inland harbor; (iii) dredging and disposing of contaminated sediments which are in or which affect the maintenance of Federal navigation channels; (iv) mitigating for impacts resulting from Federal navigation operation and maintenance activities; and (v) operating and maintaining dredged material disposal facilities"; and

(2) in subparagraph (C) by striking "rights-of-way, or dredged material disposal areas," and inserting "or rights-of-way,".

(f) AMENDMENT OF COOPERATION AGREEMENT.—If requested by the non-Federal interest, the Secretary shall amend a project cooperation agreement executed on or before the date of the enactment of this Act to reflect the application of the amendments made by this section to any project for which a contract for construction has not been awarded on or before such date of enactment.

(g) SAVINGS CLAUSE.—Nothing in this section (including the amendments made by

this section) shall increase, or result in the increase of, the non-Federal share of the costs of—

(1) any dredged material disposal facility authorized before the date of the enactment of this Act, including any facility authorized by section 123 of the River and Harbor Act of 1970 (84 Stat. 1823); or

(2) any dredged material disposal facility that is necessary for the construction or maintenance of a project authorized before the date of the enactment of this Act.

SEC. 202. FLOOD CONTROL POLICY.

(a) FLOOD CONTROL COST SHARING.—

(1) INCREASED NON-FEDERAL CONTRIBUTIONS.—Subsections (a) and (b) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a) and (b)) are each amended by striking "25 percent" each place it appears and inserting "35 percent".

(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply to any project authorized after the date of the enactment of this Act and to any flood control project which is not specifically authorized by Congress for which a Detailed Project Report is approved after such date of enactment or, in the case of a project for which no Detailed Project Report is prepared, construction is initiated after such date of enactment.

(b) ABILITY TO PAY.—

(1) IN GENERAL.—Section 103(m) of such Act (33 U.S.C. 2213(m)) is amended to read as follows:

"(m) ABILITY TO PAY.—

"(1) IN GENERAL.—Any cost-sharing agreement under this section for flood control or agricultural water supply shall be subject to the ability of a non-Federal interest to pay.

"(2) CRITERIA AND PROCEDURES.—The ability of any non-Federal interest to pay shall be determined by the Secretary in accordance with criteria and procedures in effect on the day before the date of the enactment of the Water Resources Development Act of 1996; except that such criteria and procedures shall be revised within 6 months after the date of such enactment to reflect the requirements of paragraph (3).

"(3) REVISION OF PROCEDURES.—In revising procedures pursuant to paragraph (1), the Secretary—

"(A) shall consider—

"(i) per capita income data for the county or counties in which the project is to be located; and

"(ii) the per capita non-Federal cost of construction of the project for the county or counties in which the project is to be located;

"(B) shall not consider criteria (other than criteria described in subparagraph (A)) in effect on the day before the date of the enactment of the Water Resources Development Act of 1996; and

"(C) may consider additional criteria relating to the non-Federal interest's financial ability to carry out its cost-sharing responsibilities, to the extent that the application of such criteria does not eliminate areas from eligibility for a reduction in the non-Federal share as determined under subparagraph (A).

"(4) NON-FEDERAL SHARE.—Notwithstanding subsection (a), the Secretary shall reduce or eliminate the requirement that a non-Federal interest make a cash contribution for any project that is determined to be eligible for a reduction in the non-Federal share under procedures in effect under paragraphs (1), (2), and (3).".

(2) APPLICABILITY.—

(A) GENERALLY.—Subject to subparagraph (C), the amendment made by paragraph (1) shall apply to any project, or separable element thereof, with respect to which the Secretary and the non-Federal interest have not entered into a project cooperation agreement on or before the date of the enactment of this Act.

(B) AMENDMENT OF COOPERATION AGREEMENT.—If requested by the non-Federal interest, the Secretary shall amend a project cooperation agreement executed on or before the date of the enactment of this Act to reflect the application of the amendment made by paragraph (1) to any project for which a contract for construction has not been awarded on or before such date of enactment.

(C) NON-FEDERAL OPTION.—If requested by the non-Federal interest, the Secretary shall apply the criteria and procedures established pursuant to section 103(m) of the Water Resources Development Act of 1986 as in effect on the day before the date of the enactment of this Act for projects that are authorized before the date of the enactment of this Act.

(c) FLOOD PLAIN MANAGEMENT PLANS.—

(1) IN GENERAL.—Section 402 of such Act (33 U.S.C. 701b–12; 100 Stat. 4133) is amended to read as follows:

"SEC. 402. FLOOD PLAIN MANAGEMENT REQUIREMENTS.

"(a) COMPLIANCE WITH FLOOD PLAIN MANAGEMENT AND INSURANCE PROGRAMS.—Before construction of any project for local flood protection or any project for hurricane or storm damage reduction and involving Federal assistance from the Secretary, the non-Federal interest shall agree to participate in and comply with applicable Federal flood plain management and flood insurance programs.

"(b) FLOOD PLAIN MANAGEMENT PLANS.—Within 1 year after the date of signing a project cooperation agreement for construction of a project to which subsection (a) applies, the non-Federal interest shall prepare a flood plain management plan designed to reduce the impacts of future flood events in the project area. Such plan shall be implemented by the non-Federal interest not later than 1 year after completion of construction of the project.

"(c) GUIDELINES.—

"(1) IN GENERAL.—Within 6 months after the date of the enactment of this subsection, the Secretary shall develop guidelines for preparation of flood plain management plans by non-Federal interests under subsection (b). Such guidelines shall address potential measures, practices and policies to reduce loss of life, injuries, damages to property and facilities, public expenditures, and other adverse impacts associated with flooding and to preserve and enhance natural flood plain values.

"(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to confer any regulatory authority upon the Secretary.

"(d) TECHNICAL SUPPORT.—The Secretary is authorized to provide technical support to a non-Federal interest for a project to which subsection (a) applies for the development and implementation of plans prepared under subsection (b).".

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any project or separable element thereof with respect to which the Secretary and the non-Federal interest have not entered into a project cooperation agreement on or before the date of the enactment of this Act.

(d) NON-STRUCTURAL FLOOD CONTROL POLICY.—

(1) REVIEW.—The Secretary shall conduct a review of policies, procedures, and techniques relating to the evaluation and development of flood control measures with a view toward identifying impediments that may exist to justifying non-structural flood control measures as alternatives to structural measures.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the findings on the review conducted under this subsection, together with any recommendations for modifying existing law to remove any impediments identified under such review.

(e) EMERGENCY RESPONSE.—Section 5(a)(1) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n(a)(1)), is amended by inserting before the first semicolon the following: ", or in implementation of nonstructural alternatives to the repair or restoration of such flood control work if requested by the non-Federal sponsor".

(f) NONSTRUCTURAL ALTERNATIVES.—Section 73 of the Water Resources Development Act of 1974 (33 U.S.C. 701b–11; 88 Stat. 32) is amended by striking subsection (a) and inserting the following:

"(a) In the survey, planning, or design by any Federal agency of any project involving flood protection, such agency, with a view toward formulating the most economically, socially, and environmentally acceptable means of reducing or preventing flood damages, shall consider and address in adequate detail nonstructural alternatives, including measures that may be implemented by others, to prevent or reduce flood damages. Such alternatives may include watershed management, wetlands restoration, elevation or flood proofing of structures, floodplain regulation, relocation, and acquisition of floodplain lands for recreational, fish and wildlife, and other public purposes.".

SEC. 203. FEASIBILITY STUDY COST-SHARING.

(a) NON-FEDERAL SHARE.—Section 105(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)(1)) is amended—

(1) in the first sentence, by striking "during the period of such study";

(2) by inserting after the first sentence the following: "During the period of the study, the non-Federal share of the cost of the study shall be not more than 50 percent of the estimate of the cost of the study as contained in the feasibility cost-sharing agreement. The cost estimate may be amended only by mutual agreement of the Secretary and the non-Federal interests. The non-Federal share of any costs in excess of the cost estimate shall, except as otherwise mutually agreed by the Secretary and the non-Federal interests, be payable after the project has been authorized for construction and on the date on which the Secretary and non-Federal interests enter into an agreement pursuant to section 101(e) or 103(j). In the event the project which is the subject of the study is not authorized within the earlier of 5 years of the date of the final report of the Chief of Engineers concerning such study or 2 years of the date of termination of the study, the non-Federal share of any such excess costs shall be paid to the United States on the last day of such period."; and

(3) in the second sentence, by striking "such non-Federal contribution" and inserting "the non-Federal share required under this paragraph".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply notwithstanding any feasibility cost-sharing agreement

entered into by the Secretary and non-Federal interests. Upon request of the non-Federal interest, the Secretary shall amend any feasibility cost-sharing agreements in effect on the date of enactment of this Act so as to conform the agreements with the amendments.

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section or any amendment made by this section shall require the Secretary to reimburse the non-Federal interests for funds previously contributed for a study.

SEC. 204. RESTORATION OF ENVIRONMENTAL QUALITY.

(a) REVIEW OF PROJECTS.—Section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)) is amended—

(1) by striking "the operation of"; and

(2) by inserting before the period at the end the following: "and to determine if the operation of such projects has contributed to the degradation of the quality of the environment".

(b) PROGRAM OF PROJECTS.—Section 1135(b) of such Act is amended by striking the last 2 sentences of subsection (b).

(c) RESTORATION OF ENVIRONMENTAL QUALITY.—Section 1135 of such Act is further amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (e), (f), and (g), respectively;

(2) by inserting after subsection (b) the following new subsections:

"(c) RESTORATION OF ENVIRONMENTAL QUALITY.—If the Secretary determines that construction of a water resource project by the Secretary or operation of a water resources project constructed by the Secretary has contributed to the degradation of the quality of the environment, the Secretary may undertake measures for restoration of environmental quality and measures for enhancement of environmental quality that are associated with the restoration, either through modifications at the project site or at other locations that have been affected by the construction or operation of the project, if such measures do not conflict with the authorized project purposes.

"(d) NON-FEDERAL SHARE; LIMITATION ON MAXIMUM FEDERAL EXPENDITURE.—The non-Federal share of the cost of any modifications or measures carried out or undertaken pursuant to subsection (b) or (c) of this section shall be 25 percent. Not more than 80 percent of the non-Federal share may be in kind, including a facility, supply, or service that is necessary to carry out the modification. No more than $5,000,000 in Federal funds may be expended on any single modification or measure carried out or undertaken pursuant to this section."; and

(3) in subsection (f), as so redesignated, by striking "program conducted under subsection (b)" and inserting "programs conducted under subsections (b) and (c)".

(d) DEFINITION.—Section 1135 of such Act is further amended by adding at the end the following:

"(h) DEFINITION.—In this section the term 'water resources project constructed by the Secretary' includes a water resources project constructed or funded jointly by the Secretary and the head of any other Federal agency (including the Natural Resources Conservation Service).".

SEC. 205. ENVIRONMENTAL DREDGING.

Section 312 of the Water Resources Development Act of 1990 (104 Stat. 4639-4640) is amended—

(1) in each of subsections (a), (b), and (c) by inserting "and remediate" after "remove" each place it appears;

(2) in subsection (b)(1) by inserting "and remediation" after "removal" each place it appears;

(3) in subsection (b)(2) by striking "$10,000,000" and inserting "$30,000,000"; and

(4) by striking subsection (f) and inserting the following:

"(f) In carrying out this section, the Secretary shall give priority to work in the following areas:

"(1) Brooklyn Waterfront, New York.

"(2) Buffalo Harbor and River, New York.

"(3) Ashtabula River, Ohio.

"(4) Mahoning River, Ohio.

"(5) Lower Fox River, Wisconsin.".

SEC. 206. AQUATIC ECOSYSTEM RESTORATION.

(a) GENERAL AUTHORITY.—The Secretary is authorized to carry out aquatic ecosystem restoration and protection projects when the Secretary determines that such projects will improve the quality of the environment and are in the public interest and that the environmental and economic benefits, both monetary and nonmonetary, of the project to be undertaken pursuant to this section justify the cost.

(b) COST SHARING.—Non-Federal interests shall provide 50 percent of the cost of construction of any project carried out under this section, including provision of all lands, easements, rights-of-way, and necessary relocations.

(c) AGREEMENTS.—Construction of a project under this section shall be initiated only after a non-Federal interest has entered into a binding agreement with the Secretary to pay the non-Federal share of the costs of construction required by this section and to pay 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to the project in accordance with regulations prescribed by the Secretary.

(d) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single locality.

(e) FUNDING.—There is authorized to be appropriated not to exceed $25,000,000 annually to carry out this section.

SEC. 207. BENEFICIAL USES OF DREDGED MATERIAL.

Section 204 of the Water Resources Development Act of 1992 (106 Stat. 4826) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD.—In developing and carrying out a project for navigation involving the disposal of dredged material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of such disposal method are minimal and that the benefits to the aquatic environment to be derived from such disposal method, including the creation of wetlands and control of shoreline erosion, justify its selection. The Federal share of such incremental costs shall be determined in accordance with subsection (c).".

SEC. 208. RECREATION POLICY AND USER FEES.

(a) RECREATION POLICIES.—

(1) IN GENERAL.—The Secretary shall provide increased emphasis on and opportunities for recreation at water resources projects operated, maintained, or constructed by the Corps of Engineers.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on specific measures taken to implement this subsection.

(b) RECREATION USER FEES.—Section 210(b) of the Flood Control Act of 1968 (16 U.S.C. 460d-3(b)) is amended by adding at the end the following:

"(5) USE OF FEES COLLECTED AT FACILITY.—Subject to advance appropriations, the Secretary of the Army shall ensure that at least an amount equal to the total amount of fees collected at any project under this subsection in a fiscal year beginning after September 30, 1996, are expended in the succeeding fiscal year at such project for operation and maintenance of recreational facilities at such project.".

SEC. 209. RECOVERY OF COSTS.

Amounts recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) for any response action taken by the Secretary in support of the Army Civil Works program and any other amounts recovered by the Secretary from a contractor, insurer, surety, or other person to reimburse the Army for any expenditure for environmental response activities in support of the Army civil works program shall be credited to the appropriate trust fund account from which the cost of such response action has been paid or will be charged.

SEC. 210. COST SHARING OF ENVIRONMENTAL PROJECTS.

(a) IN GENERAL.—Section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)) is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by inserting after paragraph (6) the following new paragraph:

"(7) subject to section 906 of this Act, environmental protection and restoration: 50 percent.".

(b) APPLICABILITY.—The amendments made by subsection (a) apply only to projects authorized after the date of the enactment of this Act.

SEC. 211. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) AUTHORITY.—Non-Federal interests are authorized to undertake flood control projects in the United States, subject to obtaining any permits required pursuant to Federal and State laws in advance of actual construction.

(b) STUDIES AND DESIGN ACTIVITIES.—

(1) BY NON-FEDERAL INTERESTS.—A non-Federal interest may prepare, for review and approval by the Secretary, the necessary studies and design documents for any construction to be undertaken pursuant to subsection (a).

(2) BY SECRETARY.—Upon request of an appropriate non-Federal interest, the Secretary may undertake all necessary studies and design activities for any construction to be undertaken pursuant to subsection (a) and provide technical assistance in obtaining all necessary permits for such construction if the non-Federal interest contracts with the Secretary to furnish the United States funds for the studies and design activities during the period that the studies and design activities will be conducted.

(c) COMPLETION OF STUDIES AND DESIGN ACTIVITIES.—In the case of any study or design documents for a flood control project that were initiated before the date of the enactment of this Act, the Secretary is authorized to complete and transmit to the appropriate

non-Federal interests the study or design documents or, upon the request of such non-Federal interests, to terminate the study or design activities and transmit the partially completed study or design documents to such non-Federal interests for completion. Studies and design documents subject to this subsection shall be completed without regard to the requirements of subsection (b).

(d) AUTHORITY TO CARRY OUT IMPROVEMENT.—

(1) IN GENERAL.—Any non-Federal interest which has received from the Secretary pursuant to subsection (b) or (c) a favorable recommendation to carry out a flood control project or separable element thereof based on the results of completed studies and design documents for the project or element, may carry out the project or element if a final environmental impact statement has been filed for the project or element.

(2) PERMITS.—Any plan of improvement proposed to be implemented in accordance with this subsection shall be deemed to satisfy the requirements for obtaining the appropriate permits required under the Secretary's authority and such permits shall be granted subject to the non-Federal interest's acceptance of the terms and conditions of such permits if the Secretary determines that the applicable regulatory criteria and procedures have been satisfied.

(3) MONITORING.—The Secretary shall monitor any project for which a permit is granted under this subsection in order to ensure that such project is constructed, operated, and maintained in accordance with the terms and conditions of such permit.

(e) REIMBURSEMENT.—

(1) GENERAL RULE.—Subject to appropriation Acts, the Secretary is authorized to reimburse any non-Federal interest an amount equal to the estimate of the Federal share, without interest, of the cost of any authorized flood control project, or separable element thereof, constructed pursuant to this section—

(A) if, after authorization and before initiation of construction of the project or separable element, the Secretary approves the plans for construction of such project by the non-Federal interest; and

(B) if the Secretary finds, after a review of studies and design documents prepared pursuant to this section, that construction of the project or separable element is economically justified and environmentally acceptable.

(2) SPECIAL RULES.—

(A) REIMBURSEMENT.—For work (including work associated with studies, planning, design, and construction) carried out by a non-Federal interest with respect to a project described in subsection (f), the Secretary shall, subject to amounts being made available in advance in appropriations Acts, reimburse, without interest, the non-Federal interest an amount equal to the estimated Federal share of the cost of such work if such work is later recommended by the Chief of Engineers and approved by the Secretary.

(B) CREDIT.—If the non-Federal interest for a project described in subsection (f) carries out work before completion of a reconnaissance study by the Secretary and if such work is determined by the Secretary to be compatible with the project later recommended by the Secretary, the Secretary shall credit the non-Federal interest for its share of the cost of the project for such work.

(3) MATTERS TO BE CONSIDERED IN REVIEWING PLANS.—In reviewing plans under this subsection, the Secretary shall consider budgetary and programmatic priorities and other factors that the Secretary deems appropriate.

(4) MONITORING.—The Secretary shall regularly monitor and audit any project for flood control approved for construction under this section by a non-Federal interest in order to ensure that such construction is in compliance with the plans approved by the Secretary and that the costs are reasonable.

(5) LIMITATION ON REIMBURSEMENTS.—No reimbursement shall be made under this section unless and until the Secretary has certified that the work for which reimbursement is requested has been performed in accordance with applicable permits and approved plans.

(f) SPECIFIC PROJECTS.—For the purpose of demonstrating the potential advantages and effectiveness of non-Federal implementation of flood control projects, the Secretary shall enter into agreements pursuant to this section with non-Federal interests for development of the following flood control projects by such interests:

(1) BERRYESSA CREEK, CALIFORNIA.—The Berryessa Creek element of the project for flood control, Coyote and Berryessa Creeks, California, authorized by section 101(a)(5) of the Water Resources Development Act of 1990 (104 Stat. 4606); except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such element.

(2) LOS ANGELES COUNTY DRAINAGE AREA, CALIFORNIA.—The project for flood control, Los Angeles County Drainage Area, California, authorized by section 101(b) of the Water Resources Development Act of 1990 (104 Stat. 4611).

(3) STOCKTON METROPOLITAN AREA, CALIFORNIA.—The project for flood control, Stockton Metropolitan Area, California.

(4) UPPER GUADALUPE RIVER, CALIFORNIA.—The project for flood control, Upper Guadalupe River, California.

(5) BRAYS BAYOU, TEXAS.—Flood control components comprising the Brays Bayou element of the project for flood control, Buffalo Bayou and Tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (104 Stat. 4610); except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to the diversion component of such element.

(6) HUNTING BAYOU, TEXAS.—The Hunting Bayou element of the project for flood control, Buffalo Bayou and Tributaries, Texas, authorized by such section; except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such element.

(7) WHITE OAK BAYOU, TEXAS.—The project for flood control, White Oak Bayou watershed, Texas.

(g) TREATMENT OF FLOOD DAMAGE PREVENTION MEASURES.—For the purposes of this section, flood damage prevention measures at or in the vicinity of Morgan City and Berwick, Louisiana, shall be treated as an authorized element of the Atchafalaya Basin feature of the project for flood control, Mississippi River and Tributaries.

SEC. 212. ENGINEERING AND ENVIRONMENTAL INNOVATIONS OF NATIONAL SIGNIFICANCE.

(a) SURVEYS, PLANS, AND STUDIES.—To encourage innovative and environmentally sound engineering solutions and innovative environmental solutions to problems of national significance, the Secretary may undertake surveys, plans, and studies and prepare reports which may lead to work under existing civil works authorities or to recommendations for authorizations.

(b) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each fiscal year beginning after September 30, 1996.

(2) FUNDING FROM OTHER SOURCES.—The Secretary may accept and expend additional funds from other Federal agencies, States, or non-Federal entities for purposes of carrying out this section.

SEC. 213. LEASE AUTHORITY.

Notwithstanding any other provision of law, the Secretary may lease space available in buildings for which funding for construction or purchase was provided from the revolving fund established by the 1st section of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576; 67 Stat. 199) under such terms and conditions as are acceptable to the Secretary. The proceeds from such leases shall be credited to the revolving fund for the purposes set forth in such Act.

SEC. 214. COLLABORATIVE RESEARCH AND DEVELOPMENT.

(a) FUNDING FROM OTHER FEDERAL SOURCES.—Section 7 of the Water Resources Development Act of 1988 (102 Stat. 4022–4023) is amended—

(1) in subsection (a) by inserting "civil works" before "mission"; and

(2) by striking subsection (e) and inserting the following:

"(e) FUNDING FROM OTHER FEDERAL SOURCES.—The Secretary may accept and expend additional funds from other Federal programs, including other Department of Defense programs, to carry out the purposes of this section.".

(b) PRE-AGREEMENT TEMPORARY PROTECTION OF TECHNOLOGY.—Such section 7 is further amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(2) by inserting after subsection (a) the following new subsection:

"(b) PRE-AGREEMENT TEMPORARY PROTECTION OF TECHNOLOGY.—

"(1) IN GENERAL.—If the Secretary determines that information developed as a result of research and development activities conducted by the Corps of Engineers is likely to be subject to a cooperative research and development agreement within 2 years of its development and that such information would be a trade secret or commercial or financial information that would be privileged or confidential if the information had been obtained from a non-Federal party participating in a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980, the Secretary may provide appropriate protection against the dissemination of such information, including exemption from subchapter II of chapter 5 of title 5, United States Code, until the earlier of the date the Secretary enters into such an agreement with respect to such technology or the last day of the 2-year period beginning on the date of such determination.

"(2) TREATMENT.—Any technology covered by this section which becomes the subject of a cooperative research and development agreement shall be accorded the protection provided under section 12(c)(7)(B) of such Act (15 U.S.C. 3710a(c)(7)(B)) as if such technology had been developed under a cooperative research and development agreement."; and

(3) in subsection (d), as so redesignated, by striking "(b)" and inserting "(c)".

SEC. 215. DAM SAFETY PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "National Dam Safety Program Act of 1996".

(b) FINDINGS.—Congress finds the following:

(1) Dams are an essential part of the national infrastructure. Dams fail from time to time with catastrophic results; thus, dam safety is a vital public concern.

(2) Dam failures have caused, and can cause in the future, enormous loss of life, injury, destruction of property, and economic and social disruption.

(3) Some dams are at or near the end of their structural, useful, or operational life. With respect to future dam failures, the loss, destruction, and disruption can be substantially reduced through the development and implementation of dam safety hazard reduction measures, including—

(A) improved design and construction standards and practices supported by a national dam performance resource bank;

(B) safe operations and maintenance procedures;

(C) early warning systems;

(D) coordinated emergency preparedness plans; and

(E) public awareness and involvement programs.

(4) Dam safety problems persist nationwide. The diversity in Federal and State dam safety programs calls for national leadership in a cooperative effort involving Federal and State governments and the private sector. An expertly staffed and adequately financed dam safety hazard reduction program, based on Federal, State, local, and private research, planning, decisionmaking, and contributions, would reduce the risk of such loss, destruction, and disruption from dam failure by an amount far greater than the cost of such program.

(5) There is a fundamental need for a national dam safety program and the need will continue. An effective national program in dam safety hazards reduction will require input from and review by Federal and non-Federal experts in dams design, construction, operation, and maintenance and in the practical application of dam failure hazards reduction measures. At the present time, there is no national dam safety program.

(6) The coordinating authority for national leadership is provided through the Federal Emergency Management Agency's (hereinafter in this section referred to as "FEMA") dam safety program through Executive Order 12148 in coordination with appropriate Federal agencies and the States.

(7) While FEMA's dam safety program shall continue as a proper Federal undertaking and shall provide the foundation for a National Dam Safety Program, statutory authority to meet increasing needs and to discharge Federal responsibilities in national dam safety is needed.

(8) Statutory authority will strengthen FEMA's leadership role, will codify the national dam safety program, and will authorize the Director of FEMA (hereinafter in this section referred to as the "Director") to communicate directly with Congress on authorizations and appropriations and to build upon the hazard reduction aspects of national dam safety.

(c) PURPOSE.—It is the purpose of this section to reduce the risks to life and property from dam failure in the United States through the establishment and maintenance of an effective national dam safety program which will bring together the Federal and non-Federal communities' expertise and resources to achieve national dam safety hazard reduction. It is not the intent of this section to preempt any other Federal or State authorities nor is the intent of this section to mandate State participation in the grant assistance program to be established under this section.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) FEDERAL AGENCY.—The term "Federal agency" means any Federal agency that designs, finances, constructs, owns, operates, maintains, or regulates the construction, operation, or maintenance of any dam.

(2) NON-FEDERAL AGENCY.—The term "non-Federal agency" means any State agency that has regulatory authority over the safety of non-Federal dams.

(3) FEDERAL GUIDELINES FOR DAM SAFETY.—The term "Federal Guidelines for Dam Safety" refers to a FEMA publication number 93, dated June 1979, which defines management practices for dam safety at all Federal agencies.

(4) PROGRAM.—The term "program" means the national dam safety program established under subsection (e).

(5) DAM.—The term "dam" means any artificial barrier with the ability to impound water, wastewater, or liquid-borne materials for the purpose of storage or control of water which is—

(A) 25 feet or more in height from (i) the natural bed of the stream or watercourse measured at the downstream toe of the barrier, or (ii) from the lowest elevation of the outside limit of the barrier if the barrier is not across a stream channel or watercourse, to the maximum water storage elevation; or

(B) has an impounding capacity for maximum storage elevation of 50 acre-feet or more.

Such term does not include any such barrier which is not greater than 6 feet in height regardless of storage capacity or which has a storage capacity at maximum water storage elevation not greater than 15 acre-feet regardless of height, unless such barrier, due to its location or other physical characteristics, is likely to pose a significant threat to human life or property in the event of its failure. Such term does not include a levee.

(6) HAZARD REDUCTION.—The term "hazard reduction" means those efforts utilized to reduce the potential consequences of dam failure to life and property.

(7) STATE.—The term "State" means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(8) PARTICIPATING STATE.—The term "participating State" means any State that elects to participate in the grant assistance program established under this Act.

(9) UNITED STATES.—The term "United States" means, when used in a geographical sense, all of the States.

(10) MODEL STATE DAM SAFETY PROGRAM.—The term "Model State Dam Safety Program" refers to a document, published by FEMA (No. 123, dated April 1987) and its amendments, developed by State dam safety officials, which acts as a guideline to State dam safety agencies for establishing a dam safety regulatory program or improving an already-established program.

(e) NATIONAL DAM SAFETY PROGRAM.—

(1) AUTHORITY.—The Director, in consultation with appropriate Federal agencies, State dam safety agencies, and the National Dam Safety Review Board established by paragraph (5)(C), shall establish and maintain, in accordance with the provisions and policies of this Act, a coordinated national dam safety program. This program shall—

(A) be administered by FEMA to achieve the objectives set forth in paragraph (3);

(B) involve, where appropriate, the Departments of Agriculture, Defense, Energy, Interior, and Labor, the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, the International Boundaries Commission (United States section), the Tennessee Valley Authority, and FEMA; and

(C) include each of the components described in paragraph (4), the implementation plan described in paragraph (5), and the assistance for State dam safety programs to be provided under this section.

(2) DUTIES.—The Director—

(A) within 270 days after the date of the enactment of this Act, shall develop the implementation plan described in paragraph (5);

(B) within 300 days after such date of enactment, shall submit to the appropriate authorizing committees of Congress the implementation plan described in paragraph (5); and

(C) by rule within 360 days after such date of enactment—

(i) shall develop and implement the national dam safety program under this section;

(ii) shall establish goals, priorities, and target dates for implementation of the program; and

(iii) shall provide a method for cooperation and coordination with, and assistance to (as feasible), interested governmental entities in all States.

(3) OBJECTIVES.—The objectives of the national dam safety program are as follows:

(A) To ensure that new and existing dams are safe through the development of technologically and economically feasible programs and procedures for national dam safety hazard reduction.

(B) To encourage acceptable engineering policies and procedures used for dam site investigation, design, construction, operation and maintenance, and emergency preparedness.

(C) To encourage establishment and implementation of effective dam safety programs in each participating State based on State standards.

(D) To develop and encourage public awareness projects to increase public acceptance and support of State dam safety programs.

(E) To develop technical assistance materials for Federal and non-Federal dam safety programs.

(F) To develop mechanisms with which to provide Federal technical assistance for dam safety to the non-Federal sector.

(4) COMPONENTS.—

(A) IN GENERAL.—The national dam safety program shall consist of a Federal element and a non-Federal element and 3 functional activities: leadership, technical assistance, and public awareness.

(B) ELEMENTS.—

(i) FEDERAL ELEMENT.—The Federal element of the program incorporates all the activities and practices undertaken by Federal agencies to implement the Federal Guidelines for Dam Safety.

(ii) NON-FEDERAL ELEMENT.—The non-Federal element of the program involves the activities and practices undertaken by participating States, local governments, and the private sector to safely build, regulate, operate, and maintain dams and Federal activities which foster State efforts to develop and

implement effective programs for the safety of dams.

(C) ACTIVITIES.—

(i) LEADERSHIP ACTIVITY.—The leadership activity of the program shall be the responsibility of FEMA. FEMA shall coordinate Federal efforts in cooperation with appropriate Federal agencies and State dam safety agencies.

(ii) TECHNICAL ASSISTANCE ACTIVITY.—The technical assistance activity of the program involves the transfer of knowledge and technical information among the Federal and non-Federal elements.

(iii) PUBLIC AWARENESS ACTIVITY.—The public awareness activity provides for the education of the public, including State and local officials, to the hazards of dam failure and ways to reduce the adverse consequences of dam failure and related matters.

(5) GRANT ASSISTANCE PROGRAM.—The Director shall develop an implementation plan which shall demonstrate dam safety improvements through fiscal year 2001 and shall recommend appropriate roles for Federal agencies and for State and local units of government, individuals, and private organizations. The implementation plan shall provide, at a minimum, for the following:

(A) ASSISTANCE PROGRAM.—In order to encourage the establishment and maintenance of effective programs intended to ensure dam safety to protect human life and property and to improve such existing programs, the Director shall provide, from amounts made available under subsection (g) of this section, assistance to participating States to establish and maintain dam safety programs, first, according to the basic provisions for a dam safety program listed below and, second, according to more advanced requirements and standards authorized by the review board under subparagraph (C) and the Director with the assistance of established criteria such as the Model State Dam Safety Program. Participating State dam safety programs must be working toward meeting the following primary criteria to be eligible for primary assistance or must meet the following primary criteria prior to working toward advanced assistance:

(i) STATE LEGISLATION.—A dam safety program must be authorized by State legislation to include, at a minimum, the following:

(I) PLAN REVIEW AND APPROVAL.—Authority to review and approve plans and specifications to construct, enlarge, modify, remove, or abandon dams.

(II) PERIODIC INSPECTIONS DURING CONSTRUCTION.—Authority to perform periodic inspections during construction for the purpose of ensuring compliance with approved plans and specifications.

(III) STATE APPROVAL.—Upon completion of construction, a requirement that, before operation of the structure, State approval is received.

(IV) SAFETY INSPECTIONS.—Authority to require or perform the inspection of all dams and reservoirs that pose a significant threat to human life and property in the event of failure at least every 5 years to determine their continued safety and a procedure for more detailed and frequent safety inspections.

(V) PROFESSIONAL ENGINEER.—A requirement that all inspections be performed under the supervision of a registered professional engineer with related experience in dam design and construction.

(VI) ORDERS.—Authority to issue orders, when appropriate, to require owners of dams to perform necessary maintenance or remedial work, revise operating procedures, or take other actions, including breaching dams when deemed necessary.

(VII) REGULATIONS.—Rules and regulations for carrying out the provisions of the State's legislative authority.

(VIII) EMERGENCY FUNDS.—Necessary emergency funds to assure timely repairs or other changes to, or removal of, a dam in order to protect human life and property and, if the owner does not take action, to take appropriate action as expeditiously as possible.

(IX) EMERGENCY PROCEDURES.—A system of emergency procedures that would be utilized in the event a dam fails or in the event a dam's failure is imminent, together with an identification of those dams where failure could be reasonably expected to endanger human life and of the maximum area that could be inundated in the event of a failure of the dam, as well as identification of those necessary public facilities that would be affected by such inundation.

(ii) STATE APPROPRIATIONS.—State appropriations must be budgeted to carry out the provisions of the State legislation.

(B) WORK PLAN CONTRACTS.—The Director shall enter into contracts with each participating State to determine a work plan necessary for a particular State dam safety program to reach a level of program performance previously agreed upon in the contract. Federal assistance under this section shall be provided to aid the State dam safety program in achieving its goal.

(C) NATIONAL DAM SAFETY REVIEW BOARD.—

(i) IN GENERAL.—There is authorized to be established a National Dam Safety Review Board (hereinafter in this section referred to as the "Board"), which shall be responsible for monitoring participating State implementation of the requirements of the assistance program. The Board is authorized to utilize the expertise of other agencies of the United States and to enter into contracts for necessary studies to carry out the requirements of this section. The Board shall consist of 11 members selected for their expertise in dam safety as follows:

(I) 5 to represent FEMA, the Federal Energy Regulatory Commission, and the Departments of Agriculture, Defense, and Interior.

(II) 5 members selected by the Director who are dam safety officials of States.

(III) 1 member selected by the Director to represent the United States Committee on Large Dams.

(ii) NO COMPENSATION OF MEMBERS.—Each member of the Board who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States. Each member of the Board who is not an officer or employee of the United States shall serve without compensation.

(iii) TRAVEL EXPENSES.—Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in the performance of services for the Board.

(iv) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

(D) MAINTENANCE OF EFFORT.—No grant may be made to a participating State under this subsection in any fiscal year unless the State enters into such agreement with the Director as the Director may require to ensure that the participating State will maintain its aggregate expenditures from all other sources for programs to assure dam safety for the protection of human life and property at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of this Act.

(E) PROCEDURE FOR APPROVAL OF STATE PARTICIPATION.—Any program which is submitted to the Director for participation in the assistance program under this subsection shall be deemed approved 120 days following its receipt by the Director unless the Director determines within such 120-day period that the submitted program fails to reasonably meet the requirements of subparagraphs (A) and (B). If the Director determines the submitted program cannot be approved for participation, the Director shall immediately notify the State in writing, together with his or her reasons and those changes needed to enable the submitted program to be approved.

(F) REVIEW OF STATE PROGRAMS.—Utilizing the expertise of the Board, the Director shall periodically review the approved State dam safety programs. In the event the Board finds that a program of a participating State has proven inadequate to reasonably protect human life and property and the Director agrees, the Director shall revoke approval of the State's participation in the assistance program and withhold assistance under this section, until the State program has been reapproved.

(G) COOPERATION OF FEDERAL AGENCIES.—The head of any Federal agency, when requested by any State dam safety agency, shall provide information on the construction, operation, or maintenance of any dam or allow officials of the State agency to participate in any Federal inspection of any dam.

(H) DAM INSURANCE REPORT.—Within 180 days after the date of the enactment of this Act, the Director shall report to the Congress on the availability of dam insurance and make recommendations.

(f) BIENNIAL REPORT.—Within 90 days after the last day of each odd-numbered fiscal year, the Director shall submit a biennial report to Congress describing the status of the program being implemented under this section and describing the progress achieved by the Federal agencies during the 2 previous years in implementing the Federal Guidelines for Dam Safety. Each such report shall include any recommendations for legislative and other action deemed necessary and appropriate. The report shall also include a summary of the progress being made in improving dam safety by participating States.

(g) AUTHORIZING OF APPROPRIATIONS.—

(1) GENERAL PROGRAM.—

(A) FUNDING.—There are authorized to be appropriated to the Director to carry out the provisions of subsections (e) and (f) (in addition to any authorizations for similar purposes included in other Acts and the authorizations set forth in paragraphs (2) through (5) of this subsection)—

(i) $1,000,000 for fiscal year 1997;

(ii) $2,000,000 for fiscal year 1998;

(iii) $4,000,000 for fiscal year 1999;

(iv) $4,000,000 for fiscal year 2000; and

(v) $4,000,000 for fiscal year 2001.

(B) APPORTIONMENT FORMULA.—

(i) IN GENERAL.—Subject to clause (ii), sums appropriated under this paragraph shall be distributed annually among participating States on the following basis: One-third among those States determined in subsection (e) as qualifying for funding, and two-thirds in proportion to the number of dams and appearing as State-regulated dams

on the National Dam Inventory in each participating State that has been determined in subsection (e)(5)(A) as qualifying for funding, to the number of dams in all participating States.

(ii) LIMITATION TO 50 PERCENT OF COST.—In no event shall funds distributed to any State under this paragraph exceed 50 percent of the reasonable cost of implementing an approved dam safety program in such State.

(iii) ALLOCATION BETWEEN PRIMARY AND ADVANCED ASSISTANCE PROGRAMS.— The Director and Review Board shall determine how much of funds appropriated under this paragraph is allotted to participating States needing primary funding and those needing advanced funding.

(2) TRAINING.—

(A) IN GENERAL.—The Director shall, at the request of any State that has or intends to develop a dam safety program under subsection (e)(5)(A), provide training for State dam safety staff and inspectors.

(B) FUNDING.—There is authorized to be appropriated to carry out this paragraph $500,000 for each of fiscal years 1997 through 2001.

(3) RESEARCH.—

(A) IN GENERAL.—The Director shall undertake a program of technical and archival research in order to develop improved techniques, historical experience, and equipment for rapid and effective dam construction, rehabilitation, and inspection, together with devices for the continued monitoring, of dams for safety purposes.

(B) STATE PARTICIPATION; REPORTS.—The Director shall provide for State participation in the research under this paragraph and periodically advise all States and Congress of the results of such research.

(C) FUNDING.—There is authorized to be appropriated to carry out this paragraph $1,000,000 for each of fiscal years 1997 through 2001.

(4) DAM INVENTORY.—

(A) MAINTENANCE AND PUBLICATION.—The Secretary is authorized to maintain and periodically publish updated information on the inventory of dams.

(B) FUNDING.—There is authorized to be appropriated to carry out this paragraph $500,000 for each of fiscal years 1997 through 2001.

(5) PERSONNEL.—

(A) EMPLOYMENT.—The Director is authorized to employ additional staff personnel in numbers sufficient to carry out the provisions of this section.

(B) FUNDING.—There is authorized to be appropriated to carry out this paragraph $400,000 for each of fiscal years 1997 through 2001.

(6) LIMITATION.—No funds authorized by this section shall be used to construct or repair any Federal or non-Federal dams.

(h) CONFORMING AMENDMENTS.—The Act entitled "An Act to authorize the Secretary of the Army to undertake a national program of inspection of dams", approved August 8, 1972 (33 U.S.C 467–467m; Public Law 92–367), is amended—

(1) in the first section by striking "means any artificial barrier" and all that follows through the period at the end and inserting "has the meaning such term has under subsection (d) of the National Dam Safety Program Act of 1996.";

(2) by striking the 2d sentence of section 3;

(3) by striking section 5 and sections 7 through 14; and

(4) by redesignating section 6 as section 5.

SEC. 216. MAINTENANCE, REHABILITATION, AND MODERNIZATION OF FACILITIES.

In accomplishing the maintenance, rehabilitation, and modernization of hydroelectric power generating facilities at water resources projects under the jurisdiction of the Department of the Army, the Secretary is authorized to increase the efficiency of energy production and the capacity of these facilities if, after consulting with other appropriate Federal and State agencies, the Secretary determines that such uprating—

(1) is economically justified and financially feasible;

(2) will not result in significant adverse effects on the other purposes for which the project is authorized;

(3) will not result in significant adverse environmental impacts; and

(4) will not involve major structural or operation changes in the project.

SEC. 217. LONG-TERM SEDIMENT MANAGEMENT STRATEGIES.

(a) DEVELOPMENT.—The Secretary shall enter into cooperative agreements with non-Federal sponsors of navigation projects for development of long-term management strategies for controlling sediments in such projects.

(b) CONTENTS OF STRATEGIES.—Each strategy developed under this section for a navigation project—

(1) shall include assessments of the following with respect to the project: sediment rates and composition, sediment reduction options, dredging practices, long-term management of any dredged material disposal facilities, remediation of such facilities, and alternative disposal and reuse options;

(2) shall include a timetable for implementation of the strategy; and

(3) shall incorporate, as much as possible, relevant ongoing planning efforts, including remedial action planning, dredged material management planning, harbor and waterfront development planning, and watershed management planning.

(c) CONSULTATION.—In developing strategies under this section, the Secretary shall consult with interested Federal agencies, States, and Indian tribes and provide an opportunity for public comment.

SEC. 218. DREDGED MATERIAL DISPOSAL FACILITY PARTNERSHIPS.

(a) ADDITIONAL CAPACITY.—

(1) PROVIDED BY SECRETARY.—At the request of a non-Federal project sponsor, the Secretary may provide additional capacity at a dredged material disposal facility constructed by the Secretary beyond that which would be required for project purposes if the non-Federal project sponsor agrees to pay, during the period of construction, all costs associated with the construction of the additional capacity.

(2) COST RECOVERY AUTHORITY.—The non-Federal project sponsor may recover the costs assigned to the additional capacity through fees assessed on 3rd parties whose dredged material is deposited in the facility and who enter into agreements with the non-Federal sponsor for the use of such facility. The amount of such fees may be determined by the non-Federal sponsor.

(b) NON-FEDERAL USE OF DISPOSAL FACILITIES.—

(1) IN GENERAL.—The Secretary—

(A) may permit the use of any dredged material disposal facility under the jurisdiction of, or managed by, the Secretary by a non-Federal interest if the Secretary determines that such use will not reduce the availability of the facility for project purposes; and

(B) may impose fees to recover capital, operation, and maintenance costs associated with such use.

(2) USE OF FEES.—Notwithstanding section 401(c) of the Federal Water Pollution Control Act but subject to advance appropriations, any monies received through collection of fees under this subsection shall be available to the Secretary, and shall be used by the Secretary, for the operation and maintenance of the disposal facility from which they were collected.

(c) PUBLIC-PRIVATE PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary may carry out a program to evaluate and implement opportunities for public-private partnerships in the design, construction, management, or operation of dredged material disposal facilties in connection with construction or maintenance of Federal navigation projects.

(2) PRIVATE FINANCING.—

(A) AGREEMENTS.—In carrying out this subsection, the Secretary may enter into an agreement with a project sponsor, a private entity, or both for the acquisition, design, construction, management, or operation of a dredged material disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material) using funds provided in whole or in part by the private entity.

(B) REIMBURSEMENT.—If any funds provided by a private entity are used to carry out a project under this subsection, the Secretary may reimburse the private entity over a period of time agreed to by the parties to the agreement through the payment of subsequent user fees. Such fees may include the payment of a disposal or tipping fee for placement of suitable dredged material at the facility.

(C) AMOUNT OF FEES.—User fees paid pursuant to subparagraph (B) shall be sufficient to repay funds contributed by the private entity plus a reasonable return on investment approved by the Secretary in cooperation with the project sponsor and the private entity.

(D) FEDERAL SHARE.—The Federal share of such fee shall be equal to the percentage of the total cost which would otherwise be borne by the Federal Government as required pursuant to existing cost sharing requirements, including section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) and section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2325).

(E) BUDGET ACT COMPLIANCE.—Any spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2)) authorized by this section shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

SEC. 219. OBSTRUCTION REMOVAL REQUIREMENT.

(a) PENALTY.—Section 16 of the Act of March 3, 1899 (33 U.S.C. 411; 30 Stat. 1153), is amended—

(1) by striking "thirteen, fourteen, and fifteen" each place it appears and inserting "13, 14, 15, 19, and 20"; and

(2) by striking "not exceeding twenty-five hundred dollars nor less than five hundred dollars" and inserting "of up to $25,000 per day".

(b) GENERAL AUTHORITY.—Section 20 of the Act of March 3, 1899 (33 U.S.C. 415; 30 Stat. 1154), is amended—

(1) by striking "expense" the first place it appears in subsection (a) and inserting "actual expense, including administrative expenses,";

(2) in subsection (b) by striking "cost" and inserting "actual cost, including administrative costs,";

(3) by redesignating subsection (b) as subsection (c); and

(4) by inserting after subsection (a) the following new subsection:

"(b) REMOVAL REQUIREMENT.—Within 24 hours after the Secretary of the Department in which the Coast Guard is operating issues an order to stop or delay navigation in any navigable waters of the United States because of conditions related to the sinking or grounding of a vessel, the owner or operator of the vessel, with the approval of the Secretary of the Army, shall begin removal of the vessel using the most expeditious removal method available or, if appropriate, secure the vessel pending removal to allow navigation to resume. If the owner or operator fails to begin removal or to secure the vessel pending removal or fails to complete removal as soon as possible, the Secretary of the Army shall remove or destroy the vessel using the summary removal procedures under subsection (a) of this section.".

SEC. 220. SMALL PROJECT AUTHORIZATIONS.

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended—

(1) by striking "$12,500,000" and inserting "$15,000,000"; and

(2) by striking "$500,000" and inserting "$1,500,000".

SEC. 221. UNECONOMICAL COST-SHARING REQUIREMENTS.

Section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended by striking the period at the end of the first sentence and inserting the following: "; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than $25,000.".

SEC. 222. PLANNING ASSISTANCE TO STATES.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a) by inserting ", watersheds, or ecosystems" after "basins";

(2) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(3) in subsection (c)—

(A) by striking "$6,000,000" and inserting "$10,000,000"; and

(B) by striking "$300,000" and inserting "$500,000".

SEC. 223. CORPS OF ENGINEERS EXPENSES.

Section 211 of the Flood Control Act of 1950 (33 U.S.C. 701u; 64 Stat. 183) is amended—

(1) by striking "continental limits of the"; and

(2) by striking the 2d colon and all that follows through "for this purpose".

SEC. 224. STATE AND FEDERAL AGENCY REVIEW PERIOD.

The 1st section of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes", approved December 22, 1944 (33 U.S.C. 701–1(a); 58 Stat. 888), is amended—

(1) by striking "Within ninety" and inserting "Within 30"; and

(2) by striking "ninety-day period." and inserting "30-day period.".

SEC. 225. LIMITATION ON REIMBURSEMENT OF NON-FEDERAL COSTS PER PROJECT.

Section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d–5a(a)) is amended—

(1) by striking "$3,000,000" and inserting "$5,000,000"; and

(2) by striking the final period.

SEC. 226. AQUATIC PLANT CONTROL.

(a) ADDITIONAL CONTROLLED PLANTS.—Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)) is amended by inserting after "alligatorweed," the following: "melaleuca,".

(b) AUTHORIZATION.—Section 104(b) of such Act (33 U.S.C. 610(b)) is amended by striking "$12,000,000" and inserting "$15,000,000".

SEC. 227. SEDIMENTS DECONTAMINATION TECHNOLOGY.

(a) PROJECT PURPOSE.—Section 405(a) of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863) is amended by adding at the end the following:

"(3) PROJECT PURPOSE.—The purpose of the project to be carried out under this section is to provide for the development of 1 or more sediment decontamination technologies on a pilot scale demonstrating a capacity of at least 500,000 cubic yards per year.".

(b) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 405(c) of such Act is amended to read as follows: "There is authorized to be appropriated to carry out this section $10,000,000 for fiscal years beginning after September 30, 1996.".

(c) REPORTS.—Section 405 of such Act is amended by adding at the end the following:

"(d) REPORTS.—Not later than September 30, 1998, and periodically thereafter, the Administrator and the Secretary shall transmit to Congress a report on the results of the project to be carried out under this section, including an assessment of the progress made in achieving the intent of the program set forth in subsection (a)(3).".

SEC. 228. SHORE PROTECTION.

(a) DECLARATION OF POLICY.—Subsection (a) of the first section of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426e; 60 Stat. 1056), is amended—

(1) by striking "damage to the shores" and inserting "damage to the shores and beaches"; and

(2) by striking "the following provisions" and all that follows through the period at the end of subsection (a) and inserting the following: "this Act, to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach nourishment, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises. In carrying out this policy, preference shall be given to areas in which there has been a Federal investment of funds and areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.".

(b) NONPUBLIC SHORES.—Subsection (d) of such section is amended by striking "or from the protection of nearby public property or" and inserting ", if there are sufficient benefits, including benefits to local and regional economic development and to the local and regional ecology (as determined under subsection (e)(2)(B)), or"; and

(c) AUTHORIZATION OF PROJECTS.—Subsection (e) of such section is amended—

(1) by striking "(e) No" and inserting the following:

"(e) AUTHORIZATION OF PROJECTS.—

"(1) IN GENERAL.—No";

(2) by moving the remainder of the text of paragraph (1) (as designated by paragraph (1) of this subsection) 2 ems to the right; and

(3) by adding at the end the following:

"(2) STUDIES.—

"(A) IN GENERAL.—The Secretary shall—

"(i) recommend to Congress studies concerning shore protection projects that meet the criteria established under this Act (including subparagraph (B)(iii)) and other applicable law;

"(ii) conduct such studies as Congress requires under applicable laws; and

"(iii) report the results of the studies to the appropriate committees of Congress.

"(B) RECOMMENDATIONS FOR SHORE PROTECTION PROJECTS.—

"(i) IN GENERAL.—The Secretary shall recommend to Congress the authorization or reauthorization of shore protection projects based on the studies conducted under subparagraph (A).

"(ii) CONSIDERATIONS.—In making recommendations, the Secretary shall consider the economic and ecological benefits of a shore protection project and the ability of the non-Federal interest to participate in the project.

"(iii) CONSIDERATION OF LOCAL AND REGIONAL BENEFITS.—In analyzing the economic and ecological benefits of a shore protection project, or a flood control or other water resource project the purpose of which includes shore protection, the Secretary shall consider benefits to local and regional economic development, and to the local and regional ecology, in calculating the full economic and ecological justifications for the project.

"(C) COORDINATION OF PROJECTS.—In conducting studies and making recommendations for a shore protection project under this paragraph, the Secretary shall—

"(i) determine whether there is any other project being carried out by the Secretary or the head of another Federal agency that may be complementary to the shore protection project; and

"(ii) if there is such a complementary project, describe the efforts that will be made to coordinate the projects.

"(3) SHORE PROTECTION PROJECTS.—

"(A) IN GENERAL.—The Secretary shall construct, or cause to be constructed, any shore protection project authorized by Congress, or separable element of such a project, for which funds have been appropriated by Congress.

"(B) AGREEMENTS.—

"(i) REQUIREMENT.—After authorization by Congress, and before commencement of construction, of a shore protection project or separable element, the Secretary shall enter into a written agreement with a non-Federal interest with respect to the project or separable element.

"(ii) TERMS.—The agreement shall—

"(I) specify the life of the project; and

"(II) ensure that the Federal Government and the non-Federal interest will cooperate in carrying out the project or separable element.

"(C) COORDINATION OF PROJECTS.—In constructing a shore protection project or separable element under this paragraph, the Secretary shall, to the extent practicable, coordinate the project or element with any complementary project identified under paragraph (2)(C).

"(4) REPORT TO CONGRESS.—The Secretary shall report biennially to the appropriate committees of Congress on the status of all ongoing shore protection studies and shore protection projects carried out under the jurisdiction of the Secretary.".

(d) REQUIREMENT OF AGREEMENTS PRIOR TO REIMBURSEMENTS.—

(1) SMALL SHORE PROTECTION PROJECTS.—Section 2 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426f; 60 Stat. 1056), is amended—

(A) by striking "SEC. 2. The Secretary of the Army" and inserting the following:

"SEC. 2. REIMBURSEMENTS.

"(a) IN GENERAL.—The Secretary";

(B) in subsection (a) (as so designated)—

(i) by striking "local interests" and inserting "non-Federal interests";

(ii) by inserting "or separable element of the project" after "project"; and

(iii) by inserting "or separable elements" after "projects" each place it appears; and

(C) by adding at the end the following:

"(b) AGREEMENTS.—

"(1) REQUIREMENT.—After authorization of reimbursement by the Secretary under this section, and before commencement of construction, of a shore protection project, the Secretary shall enter into a written agreement with the non-Federal interest with respect to the project or separable element.

"(2) TERMS.—The agreement shall—

"(A) specify the life of the project; and

"(B) ensure that the Federal Government and the non-Federal interest will cooperate in carrying out the project or separable element.".

(2) OTHER SHORELINE PROTECTION PROJECTS.—Section 206(e)(1)(A) of the Water Resources Development Act of 1992 (33 U.S.C. 426i–1(e)(1)(A); 106 Stat. 4829) is amended by inserting before the semicolon the following: "and enters into a written agreement with the non-Federal interest with respect to the project or separable element (including the terms of cooperation)".

(e) STATE AND REGIONAL PLANS.—The Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946, is further amended—

(1) by redesignating section 4 (33 U.S.C. 426h) as section 5; and

(2) by inserting after section 3 (33 U.S.C. 426g) the following:

"SEC. 4. STATE AND REGIONAL PLANS.

"The Secretary may—

"(1) cooperate with any State in the preparation of a comprehensive State or regional plan for the conservation of coastal resources located within the boundaries of the State;

"(2) encourage State participation in the implementation of the plan; and

"(3) submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out the plan.".

(f) DEFINITIONS.—

(1) IN GENERAL.—Section 5 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426h), (as redesignated by subsection (e)(1)) is amended to read as follows:

"SEC. 5. DEFINITIONS.

"In this Act, the following definitions apply:

"(1) SECRETARY.—The term 'Secretary' means the Secretary of the Army, acting through the Chief of Engineers.

"(2) SEPARABLE ELEMENT.—The term 'separable element' has the meaning provided by section 103(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(f)).

"(3) SHORE.—The term 'shore' includes each shoreline of the Atlantic and Pacific Oceans, the Gulf of Mexico, the Great Lakes, and lakes, estuaries, and bays directly connected therewith.

"(4) SHORE PROTECTION PROJECT.—The term 'shore protection project' includes a project for beach nourishment, including the replacement of sand.".

(2) CONFORMING AMENDMENTS.—The Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946, is amended—

(A) in subsection (b)(3) of the first section (33 U.S.C. 426e(b)(3)) by striking "of the Army, acting through the Chief of Engineers," and by striking the final period; and

(B) in section 3 (33 U.S.C. 426g) by striking "Secretary of the Army" and inserting "Secretary".

(g) OBJECTIVES OF PROJECTS.—Section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2; 84 Stat. 1829) is amended by inserting "(including shore protection projects such as projects for beach nourishment, including the replacement of sand)" after "water resource projects".

SEC. 229. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—Section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) is amended—

(1) by striking "Before" at the beginning of the second sentence and inserting "Upon"; and

(2) by inserting "planning, designing, or" before "construction" in the last sentence.

(b) TECHNICAL AMENDMENT.—Section 52 of the Water Resources Development Act of 1988 (33 U.S.C. 579a note; 102 Stat. 4044) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d), respectively.

SEC. 230. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

(a) GENERAL AUTHORITY.—In carrying out research and development in support of the civil works program of the Department of the Army, the Secretary may utilize contracts, cooperative research and development agreements, cooperative agreements, and grants with non-Federal entities, including State and local governments, colleges and universities, consortia, professional and technical societies, public and private scientific and technical foundations, research institutions, educational organizations, and nonprofit organizations.

(b) SPECIAL RULES.—With respect to contracts for research and development, the Secretary may include requirements that have potential commercial application and may also use such potential application as an evaluation factor where appropriate.

SEC. 231. BENEFITS TO NAVIGATION.

In evaluating potential improvements to navigation and the maintenance of navigation projects, the Secretary shall consider, and include for purposes of project justification, economic benefits generated by cruise ships as commercial navigation benefits.

SEC. 232. LOSS OF LIFE PREVENTION.

Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281) is amended by inserting "including the loss of life which may be associated with flooding and coastal storm events," after "costs,".

SEC. 233. SCENIC AND AESTHETIC CONSIDERATIONS.

In conducting studies of potential water resources projects, the Secretary shall consider measures to preserve and enhance scenic and aesthetic qualities in the vicinity of such projects.

SEC. 234. REMOVAL OF STUDY PROHIBITIONS.

Nothing in section 208 of the Urgent Supplemental Appropriations Act, 1986 (100 Stat. 749), section 505 of the Energy and Water Development Appropriations Act, 1993 (106 Stat. 1343), or any other provision of law shall be deemed to limit the authority of the Secretary to undertake studies for the purpose of investigating alternative modes of financing hydroelectric power facilities under the jurisdiction of the Department of the Army with funds appropriated after the date of the enactment of this Act.

SEC. 235. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a).

SEC. 236. RESERVOIR MANAGEMENT TECHNICAL ADVISORY COMMITTEE.

Section 310 of the Water Resources Development Act of 1990 (33 U.S.C. 2319; 104 Stat. 4639) is amended—

(1) by striking subsection (a); and

(2) by striking "(b) PUBLIC PARTICIPATION.—".

SEC. 237. TECHNICAL CORRECTIONS.

(a) SECTION 203 OF 1992 ACT.—Section 203(b) of the Water Resources Development Act of 1992 (106 Stat. 4826) is amended by striking "(8662)" and inserting "(8862)".

(b) SECTION 225 OF 1992 ACT.—Section 225(c) of the Water Resources Development Act of 1992 (106 Stat. 4838) is amended by striking "(8662)" in the second sentence and inserting "(8862)".

TITLE III—PROJECT MODIFICATIONS

SEC. 301. MOBILE HARBOR, ALABAMA.

The undesignated paragraph under the heading "MOBILE HARBOR, ALABAMA" in section 201(a) of the Water Resources Development Act of 1986 (100 Stat. 4090) is amended by striking the first semicolon and all that follows and inserting a period and the following: "In disposing of dredged material from such project, the Secretary, after compliance with applicable laws and after opportunity for public review and comment, may consider alternatives to disposal of such material in the Gulf of Mexico, including environmentally acceptable alternatives for beneficial uses of dredged material and environmental restoration.".

SEC. 302. ALAMO DAM, ARIZONA.

The project for flood control and other purposes, Alamo Dam and Lake, Arizona, authorized by section 10 of the River and Harbor Act of December 22, 1944, (58 Stat. 900), is modified to authorize the Secretary to operate the Alamo Dam to provide fish and wildlife benefits both upstream and downstream of the Dam. Such operation shall not reduce flood control and recreation benefits provided by the project.

SEC. 303. NOGALES WASH AND TRIBUTARIES, ARIZONA.

The project for flood control, Nogales Wash and tributaries, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606), is modified to direct the Secretary to permit the non-Federal contribution for the project to be determined in accordance with sections 103(k) and 103(m) of the Water Resources Development Act of 1986 and to direct the Secretary to enter into negotiations with non-

Federal interests pursuant to section 103(1) of such Act concerning the timing of the initial payment of the non-Federal contribution.

SEC. 304. PHOENIX, ARIZONA.

Section 321 of the Water Resources Development Act of 1992 (106 Stat. 4848) is amended—

(1) by striking "control" and inserting "control, ecosystem restoration,"; and

(2) by striking "$6,500,000." and inserting "$17,500,000.".

SEC. 305. SAN FRANCISCO RIVER AT CLIFTON, ARIZONA.

The project for flood control, San Francisco River, Clifton, Arizona, authorized by section 101(a)(3) of the Water Resources Development Act of 1990 (104 Stat. 4606), is modified to authorize the Secretary to construct the project at a total cost of $21,100,000, with an estimated Federal cost of $13,800,000 and an estimated non-Federal cost of $7,300,000.

SEC. 306. CHANNEL ISLANDS HARBOR, CALIFORNIA.

The project for navigation, Channel Islands Harbor, Port of Hueneme, California, authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1252) is modified to direct the Secretary to pay 100 percent of the costs of dredging the Channel Islands Harbor sand trap.

SEC. 307. GLENN-COLUSA, CALIFORNIA.

The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled "An Act to provide for the control of the floods of the Mississippi River and the Sacramento River, California, and for other purposes", approved March 1, 1917 (39 Stat. 948), and as modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), is further modified to authorize the Secretary to carry out the portion of the project at Glenn-Colusa, California, at a total cost of $14,200,000.

SEC. 308. LOS ANGELES AND LONG BEACH HARBORS, SAN PEDRO BAY, CALIFORNIA.

The navigation project for Los Angeles and Long Beach Harbors, San Pedro Bay, California, authorized by section 201(b) of the Water Resources Development Act of 1986 (100 Stat. 4091), is modified to provide that, notwithstanding section 101(a)(4) of such Act, the cost of the relocation of the sewer outfall by the Port of Los Angeles shall be credited toward the payment required from the non-Federal interest by section 101(a)(2) of such Act.

SEC. 309. OAKLAND HARBOR, CALIFORNIA.

The projects for navigation, Oakland Outer Harbor, California, and Oakland Inner Harbor, California, authorized by section 202 of the Water Resources Development Act of 1986 (100 Stat. 4092), are modified by combining the 2 projects into 1 project, to be designated as the Oakland Harbor, California, project. The Oakland Harbor, California, project shall be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the reports designated in such section 202, at a total cost of $90,850,000, with an estimated Federal cost of $59,150,000 and an estimated non-Federal cost of $31,700,000. The non-Federal share of project costs and any available credits toward the non-Federal share shall be calculated on the basis of the total cost of the combined project.

SEC. 310. QUEENSWAY BAY, CALIFORNIA.

Section 4(e) of the Water Resources Development Act of 1988 (102 Stat. 4016) is amended by adding at the end the following sentence: "In addition, the Secretary shall perform advance maintenance dredging in the Queensway Bay Channel, California, at a total cost of $5,000,000.".

SEC. 311. SAN LUIS REY, CALIFORNIA.

The project for flood control of the San Luis Rey River, California, authorized pursuant to section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–5; 79 Stat. 1073–1074), is modified to authorize the Secretary to construct the project at a total cost not to exceed $81,600,000 with an estimated Federal cost of $61,100,000 and an estimated non-Federal cost of $20,500,000.

SEC. 312. THAMES RIVER, CONNECTICUT.

(a) RECONFIGURATION OF TURNING BASIN.—The project for navigation, Thames River, Connecticut, authorized by the first section of the Act entitled "An Act authorizing construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1029), is modified to make the turning basin have the following alignment: Starting at a point on the eastern limit of the existing project, N251052.93, E783934.59, thence running north 5 degrees 25 minutes 21.3 seconds east 341.06 feet to a point, N251392.46, E783966.82, thence running north 47 degrees 24 minutes 14.0 seconds west 268.72 feet to a point, N251574.34, E783769.00, thence running north 88 degrees 41 minutes 52.2 seconds west 249.06 feet to a point, N251580.00, E783520.00, thence running south 46 degrees 16 minutes 22.9 seconds west 318.28 feet to a point, N251360.00, E783290.00, thence running south 19 degrees 01 minute 32.2 seconds east 306.76 feet to a point, N251070.00, E783390.00, thence running south 45 degrees 00 minutes 00 seconds east 155.56 feet to a point, N250960.00, E783500.00 on the existing western limit.

(b) NON-FEDERAL RESPONSIBILITY FOR INITIAL DREDGING.—Any required initial dredging of the widened portions of the turning basin identified in subsection (a) shall be accomplished at non-Federal expense.

(c) CONFORMING DEAUTHORIZATION.—Those portions of the existing turning basin which are not included in the reconfigured turning basin as described in subsection (a) shall no longer be authorized after the date of the enactment of this Act.

SEC. 313. POTOMAC RIVER, WASHINGTON, DISTRICT OF COLUMBIA.

The project for flood protection, Potomac River, Washington, District of Columbia, authorized by section 5 of the Flood Control Act of June 22, 1936 (74 Stat. 1574), is modified to authorize the Secretary to construct the project substantially in accordance with the General Design Memorandum dated May 1992 at a Federal cost of $1,800,000; except that a temporary closure may be used instead of a permanent structure at 17th Street. Operation and maintenance of the project shall be a Federal responsibility.

SEC. 314. CANAVERAL HARBOR, FLORIDA.

The project for navigation, Canaveral Harbor, Florida, authorized by section 101(7) of the Water Resources Development Act of 1992 (106 Stat. 4802), is modified to authorize the Secretary to reclassify the removal and replacement of stone protection on both sides of the channel as general navigation features. The Secretary shall reimburse any costs that are incurred by the non-Federal sponsor in connection with the reclassified work and that the Secretary determines to be in excess of the non-Federal share of costs for general navigation features. The Federal and non-Federal shares of the cost of the reclassified work shall be determined in accordance with section 101 of the Water Resources Development Act of 1986.

SEC. 315. CAPTIVA ISLAND, FLORIDA.

The project for shoreline protection, Captiva Island, Lee County, Florida, authorized pursuant to section 201 of the Flood Control Act of 1965 (79 Stat. 1073), is modified to direct the Secretary to reimburse the non-Federal interest for beach renourishment work accomplished by such interest as if such work occurred after execution of the agreement entered into pursuant to section 215 of the Flood Control Act of 1968 (42 U.S.C. 1962d–5) with respect to such project.

SEC. 316. CENTRAL AND SOUTHERN FLORIDA, CANAL 51.

The project for flood protection of West Palm Beach, Florida (C–51), authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1183), is modified to provide for the construction of an enlarged stormwater detention area, Storm Water Treatment Area 1 East, generally in accordance with the plan of improvements described in the February 15, 1994, report entitled "Everglades Protection Project, Palm Beach County, Florida, Conceptual Design", with such modifications as are approved by the Secretary. The additional work authorized by this subsection shall be accomplished at Federal expense. Operation and maintenance of the stormwater detention area shall be consistent with regulations prescribed by the Secretary for the Central and Southern Florida project, and all costs of such operation and maintenance shall be provided by non-Federal interests.

SEC. 317. CENTRAL AND SOUTHERN FLORIDA, CANAL 111 (C–111).

(a) IN GENERAL.—The project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176) and modified by section 203 of the Flood Control Act of 1968 (82 Stat. 740–741), is modified to authorize the Secretary to implement the recommended plan of improvement contained in a report entitled "Central and Southern Florida Project, Final Integrated General Reevaluation Report and Environmental Impact Statement, Canal 111 (C–111), South Dade County, Florida", dated May 1994, including acquisition by non-Federal interests of such portions of the Frog Pond and Rocky Glades areas as are needed for the project.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of implementing the plan of improvement shall be 50 percent.

(2) DEPARTMENT OF INTERIOR RESPONSIBILITY.—The Department of the Interior shall pay 25 percent of the cost of acquiring such portions of the Frog Pond and Rocky Glades areas as are needed for the project. The amount paid by the Department of the Interior shall be included as part of the Federal share of the cost of implementing the plan.

(3) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs of the improvements undertaken pursuant to this subsection shall be 100 percent; except that the Federal Government shall reimburse the non-Federal project sponsor 60 percent of the costs of operating and maintaining pump stations that pump water into Taylor Slough in the Everglades National Park.

SEC. 318. JACKSONVILLE HARBOR (MILL COVE), FLORIDA.

The project for navigation, Jacksonville Harbor (Mill Cove), Florida, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4139–4140), is modified to direct the Secretary to carry out a project for flow and circulation improvement within Mill Cove, at a total cost of

$2,000,000, with an estimated Federal cost of $2,000,000.

SEC. 319. PANAMA CITY BEACHES, FLORIDA.

(a) IN GENERAL.—The project for shoreline protection, Panama City Beaches, Florida, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4133), is modified to direct the Secretary to enter into an agreement with the non-Federal interest for carrying out such project in accordance with section 206 of the Water Resources Development Act of 1992 (106 Stat. 4828).

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the progress made in carrying out this section.

SEC. 320. TYBEE ISLAND, GEORGIA.

The project for beach erosion control, Tybee Island, Georgia, authorized pursuant to section 201 of the Flood Control Act of 1968 (42 U.S.C. 1962d–5), is modified to include as an integral part of the project the portion of the ocean shore of Tybee Island located south of the existing south terminal groin between 18th and 19th Streets.

SEC. 321. WHITE RIVER, INDIANA.

The project for flood control, Indianapolis on West Fork of the White River, Indiana, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1586), is modified to authorize the Secretary to undertake riverfront alterations as described in the Central Indianapolis Waterfront Concept Master Plan, dated February 1994, at a total cost of $85,975,000, with an estimated first Federal cost of $39,975,000 and an estimated first non-Federal cost of $46,000,000. The cost of work, including relocations undertaken by the non-Federal interest after February 15, 1994, on features identified in the Master Plan shall be credited toward the non-Federal share of project costs.

SEC. 322. CHICAGO, ILLINOIS.

The project for flood control, Chicagoland Underflow Plan, Illinois, authorized by section 3(a)(5) of the Water Resources Development Act of 1988 (102 Stat. 4013), is modified to limit the capacity of the reservoir project not to exceed 11,000,000,000 gallons or 32,000 acre-feet, to provide that the reservoir project may not be located north of 55th Street or west of East Avenue in the vicinity of McCook, Illinois, and to provide that the reservoir project may only be constructed on the basis of a specific plan that has been evaluated by the Secretary under the provisions of the National Environmental Policy Act of 1969.

SEC. 323. CHICAGO LOCK AND THOMAS J. O'BRIEN LOCK, ILLINOIS.

The project for navigation, Chicago Harbor, Lake Michigan, Illinois, for which operation and maintenance responsibility was transferred to the Secretary under chapter IV of title I of the Supplemental Appropriations Act, 1983 (97 Stat. 311) and section 107 of the Energy and Water Development Appropriation Act, 1982 (95 Stat. 1137) is modified to direct the Secretary to conduct a study to determine the feasibility of making such structural repairs as are necessary to prevent leakage through the Chicago Lock and the Thomas J. O'Brien Lock, Illinois, and to determine the need for installing permanent flow measurement equipment at such locks to measure any leakage. The Secretary is authorized to carry out such repairs and installations as are necessary following completion of the study.

SEC. 324. KASKASKIA RIVER, ILLINOIS.

The project for navigation, Kaskaskia River, Illinois, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), is modified to add fish and wildlife and habitat restoration as project purposes.

SEC. 325. LOCKS AND DAM 26, ALTON, ILLINOIS AND MISSOURI.

Section 102(1) of the Water Resources Development Act of 1990 (104 Stat. 4613) is amended—

(1) by striking ", that requires no separable project lands and" and inserting "on project lands and other contiguous nonproject lands, including those lands referred to as the Alton Commons. The recreational development";

(2) by inserting "shall be" before "at a Federal construction"; and

(3) by striking ". The recreational development" and inserting ", and".

SEC. 326. NORTH BRANCH OF CHICAGO RIVER, ILLINOIS.

The project for flood protection, North Branch of the Chicago River, Illinois, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), is modified to authorize the Secretary to carry out the project in accordance with the report of the Corps of Engineers dated March 1994, at a total cost of $34,228,000, with an estimated Federal cost of $20,905,000 and an estimated non-Federal cost of $13,323,000.

SEC. 327. ILLINOIS AND MICHIGAN CANAL.

Section 314(a) of the Water Resources Development Act of 1992 (106 Stat. 4847) is amended by adding at the end the following: "Such improvements shall include marina development at Lock 14, to be carried out in consultation with the Illinois Department of Natural Resources, at a total cost of $6,374,000.".

SEC. 328. HALSTEAD, KANSAS.

The project for flood control, Halstead, Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4116), is modified to authorize the Secretary to carry out the project in accordance with the report of the Corps of Engineers dated March 19, 1993, at a total cost of $11,100,000, with an estimated Federal cost of $8,325,000 and an estimated non-Federal cost of $2,775,000.

SEC. 329. LEVISA AND TUG FORKS OF THE BIG SANDY RIVER AND CUMBERLAND RIVER, KENTUCKY, WEST VIRGINIA, AND VIRGINIA.

The project for flood control, Levisa and Tug Forks of the Big Sandy River and Cumberland River, Kentucky, West Virginia, and Virginia, authorized by section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), is modified to provide that the minimum level of flood protection to be afforded by the project shall be the level required to provide protection from a 100-year flood or from the flood of April 1977, whichever level of protection is greater.

SEC. 330. PRESTONBURG, KENTUCKY.

Section 109(a) of Public Law 104–46 (109 Stat. 408) is amended by striking "Modification No. 2" and inserting "Modification No. 3".

SEC. 331. COMITE RIVER, LOUISIANA.

The Comite River Diversion project for flood control, authorized as part of the project for flood control, Amite River and Tributaries, Louisiana, by section 101(11) of the Water Resource Development Act of 1992 (106 Stat. 4802–4803), is modified to authorize the Secretary to construct the project at a total cost of $121,600,000, with an estimated Federal cost of $70,577,000 and an estimated non-Federal cost of $51,023,000.

SEC. 332. GRAND ISLE AND VICINITY, LOUISIANA.

The project for hurricane damage prevention, flood control, and beach erosion along Grand Isle and Vicinity, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified to authorize the Secretary to construct a permanent breakwater and levee system at a total cost of $17,000,000.

SEC. 333. LAKE PONTCHARTRAIN, LOUISIANA.

The project for hurricane damage prevention and flood control, Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified to provide that St. Bernard Parish, Louisiana, and the Lake Borgne Basin Levee District, Louisiana, shall not be required to pay the unpaid balance, including interest, of the non-Federal cost-share of the project.

SEC. 334. MISSISSIPPI DELTA REGION, LOUISIANA.

The Mississippi Delta Region project, Louisiana, authorized as part of the project for hurricane-flood protection project on Lake Pontchartrain, Louisiana, by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified to direct the Secretary to provide a credit to the State of Louisiana toward its non-Federal share of the cost of the project. The credit shall be for the cost incurred by the State in developing and relocating oyster beds to offset the adverse impacts on active and productive oyster beds in the Davis Pond project area but shall not exceed $7,500,000.

SEC. 335. MISSISSIPPI RIVER OUTLETS, VENICE, LOUISIANA.

The project for navigation, Mississippi River Outlets, Venice, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is modified to provide for the extension of the 16-foot deep by 250-foot wide Baptiste Collette Bayou entrance channel to approximately Mile 8 of the Mississippi River-Gulf Outlet navigation channel, at a total estimated Federal cost of $80,000.

SEC. 336. RED RIVER WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources and Development Act of 1986 (100 Stat. 4142) and modified by section 102(p) of the Water Resources and Development Act of 1990 (104 Stat. 4613), is further modified—

(1) to authorize the Secretary to carry out the project at a total cost of $10,500,000; and

(2) to provide that lands that are purchased adjacent to the Loggy Bayou Wildlife Management Area may be located in Caddo Parish or Red River Parish.

SEC. 337. WESTWEGO TO HARVEY CANAL, LOUISIANA.

The project West Bank Hurricane Protection Levee, Jefferson Parish, Louisiana, authorized by section 401(f) of the Water Resources Development Act of 1986 (100 Stat. 4128), is modified to include the Lake Cataouatche Area Levee as part of the authorized project, at a total cost of $14,375,000, with an estimated Federal cost of $9,344,000 and an estimated non-Federal cost of $5,031,000.

SEC. 338. TOLCHESTER CHANNEL, MARYLAND.

The project for navigation, Baltimore Harbor and Channels, Maryland, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297) is modified to direct the Secretary—

(1) to expedite review of potential straightening of the channel at the Tolchester Channel S-Turn; and

(2) if determined to be feasible and necessary for safe and efficient navigation, to implement such straightening as part of project maintenance.

SEC. 339. SAGINAW RIVER, MICHIGAN.

The project for flood protection, Saginaw River, Michigan, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 311) is modified to include as part of the project the design and construction of an inflatable dam on the Flint River, Michigan, at a total cost of $500,000.

SEC. 340. SAULT SAINTE MARIE, CHIPPEWA COUNTY, MICHIGAN.

(a) IN GENERAL.—The project for navigation, Sault Sainte Marie, Chippewa County, Michigan, authorized by section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254–4255), is modified as provided by this subsection.

(b) PAYMENT OF NON-FEDERAL SHARE.—The non-Federal share of the cost of the project referred to in subsection (a) shall be paid as follows:

(1) That portion of the non-Federal share which the Secretary determines is attributable to use of the lock by vessels calling at Canadian ports shall be paid by the United States.

(2) The remaining portion of the non-Federal share shall be paid by the Great Lakes States pursuant to an agreement entered into by such States.

(c) PAYMENT TERM OF ADDITIONAL PERCENTAGE.—The amount to be paid by non-Federal interests pursuant to section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)) and this subsection with respect to the project referred to in subsection (a) may be paid over a period of 50 years or the expected life of the project, whichever is shorter.

(d) GREAT LAKES STATES DEFINED.—For the purposes of this section, the term "Great Lakes States" means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

SEC. 341. STILLWATER, MINNESOTA.

Section 363 of the Water Resources Development Act of 1992 (106 Stat. 4861–4862) is amended—

(1) by inserting after "riverfront," the following: "and expansion of such system if the Secretary determines that the expansion is feasible,";

(2) by striking "$3,200,000" and inserting "$11,600,000";

(3) by striking "$2,400,000" and inserting "$8,700,000"; and

(4) by striking "$800,000" and inserting "$2,900,000".

SEC. 342. CAPE GIRARDEAU, MISSOURI.

The project for flood control, Cape Girardeau, Jackson Metropolitan Area, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118–4119), is modified to authorize the Secretary to construct the project, including implementation of nonstructural measures, at a total cost of $45,414,000, with an estimated Federal cost of $33,030,000 and an estimated non-Federal cost of $12,384,000.

SEC. 343. NEW MADRID HARBOR, MISSOURI.

The project for navigation, New Madrid Harbor, Missouri, authorized pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and modified by section 102(n) of the Water Resources Development Act of 1992 (106 Stat. 4807), is further modified to direct the Secretary to assume responsibility for maintenance of the existing Federal channel referred to in such section 102(n) in addition to maintaining New Madrid County Harbor.

SEC. 344. ST. JOHN'S BAYOU—NEW MADRID FLOODWAY, MISSOURI.

Notwithstanding any other provision of law, Federal assistance made available under the rural enterprise zone program of the Department of Agriculture may be used toward payment of the non-Federal share of the costs of the project for flood control, St. John's Bayou and New Madrid Floodway, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118).

SEC. 345. JOSEPH G. MINISH PASSAIC RIVER PARK, NEW JERSEY.

Section 101(a)(18)(B) of the Water Resources Development Act of 1990 (104 Stat. 4608) is amended by striking "$25,000,000" and inserting "$75,000,000".

SEC. 346. MOLLY ANN'S BROOK, NEW JERSEY.

The project for flood control, Molly Ann's Brook, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4119), is modified to authorize the Secretary to carry out the project in accordance with the report of the Corps of Engineers dated April 3, 1996, at a total cost of $40,100,000, with an estimated Federal cost of $22,600,000 and an estimated non-Federal cost of $17,500,000.

SEC. 347. PASSAIC RIVER, NEW JERSEY.

Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254) is amended to read as follows:

"SEC. 1148. PASSAIC RIVER BASIN.

"(a) ACQUISITION OF LANDS.—The Secretary is authorized to acquire from willing sellers lands on which residential structures are located and which are subject to frequent and recurring flood damage, as identified in the supplemental floodway report of the Corps of Engineers, Passaic River Buyout Study, September 1995, at an estimated total cost of $194,000,000.

"(b) RETENTION OF LANDS FOR FLOOD PROTECTION.—Lands acquired by the Secretary under this section shall be retained by the Secretary for future use in conjunction with flood protection and flood management in the Passaic River Basin.

"(c) COST SHARING.—The non-Federal share of the cost of carrying out this section shall be 25 percent plus any amount that might result from application of the requirements of subsection (d).

"(d) APPLICABILITY OF BENEFIT-COST RATIO WAIVER AUTHORITY.—In evaluating and implementing the project under this section, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of this Act, to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.".

SEC. 348. RAMAPO RIVER AT OAKLAND, NEW JERSEY AND NEW YORK.

The project for flood control, Ramapo River at Oakland, New Jersey and New York, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4120), is modified to authorize the Secretary to carry out the project in accordance with the report of the Corps of Engineers dated May 1994, at a total cost of $11,300,000, with an estimated Federal cost of $8,500,000 and an estimated non-Federal cost of $2,800,000.

SEC. 349. RARITAN BAY AND SANDY HOOK BAY, NEW JERSEY.

Section 102(q) of the Water Resources Development Act of 1992 (106 Stat. 4808) is amended by striking "for Cliffwood Beach".

SEC. 350. ARTHUR KILL, NEW YORK AND NEW JERSEY.

The project for navigation, Arthur Kill, New York and New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is modified to authorize the Secretary to carry out the project to a depth of not to exceed 45 feet if determined to be feasible by the Secretary at a total cost of $83,000,000.

SEC. 351. JONES INLET, NEW YORK.

The project for navigation, Jones Inlet, New York, authorized by section 2 of the Act entitled "An Act authorizing construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 13), is modified to direct the Secretary to place uncontaminated dredged material on beach areas downdrift from the federally maintained channel for the purpose of mitigating the interruption of littoral system natural processes caused by the jetty and continued dredging of the federally maintained channel.

SEC. 352. KILL VAN KULL, NEW YORK AND NEW JERSEY.

The project for navigation, Kill Van Kull, New York and New Jersey, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), is modified to authorize the Secretary to carry out the project at a total cost of $750,000,000.

SEC. 353. WILMINGTON HARBOR-NORTHEAST CAPE FEAR RIVER, NORTH CAROLINA.

The project for navigation, Wilmington Harbor-Northeast Cape Fear River, North Carolina, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), is modified to authorize the Secretary to construct the project substantially in accordance with the General Design Memorandum dated April 1990 and the General Design Memorandum Supplement dated February 1994, at a total cost of $52,041,000, with an estimated Federal cost of $25,729,000 and an estimated non-Federal cost of $26,312,000.

SEC. 354. GARRISON DAM, NORTH DAKOTA.

The project for flood control, Garrison Dam, North Dakota, authorized by section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 891), is modified to authorize the Secretary to acquire permanent flowage and saturation easements over the lands in Williams County, North Dakota, extending from the riverward margin of the Buford-Trenton Irrigation District main canal to the north bank of the Missouri River, beginning at the Buford-Trenton Irrigation District pumping station located in the northeast quarter of section 17, township 152 north, range 104 west, and continuing northeasterly downstream to the land referred to as the East Bottom, and any other lands outside of the boundaries of the Buford-Trenton Irrigation District which have been adversely affected by rising ground water and surface flooding. Any easement acquired by the Secretary pursuant to this subsection shall include the right, power, and privilege of the Government to submerge, overflow, percolate, and saturate the surface and subsurface of the land. The cost of acquiring such easements shall not exceed 90 percent, or be less than 75 percent, of the unaffected fee value of the lands. The project is further modified to authorize the Secretary to provide a lump sum payment of $60,000 to the Buford-Trenton Irrigation District for power requirements associated with operation of the drainage pumps and to relinquish all right, title, and interest of the United States to the drainage pumps located within the boundaries of the Irrigation District.

SEC. 355. RENO BEACH-HOWARDS FARM, OHIO.

The project for flood protection, Reno Beach-Howards Farm, Ohio, authorized by section 203 of the Flood Control Act, 1948 (62 Stat. 1178), is modified to provide that the

value of lands, easements, rights-of-way, and disposal areas that are necessary to carry out the project and are provided by the non-Federal interest shall be determined on the basis of the appraisal performed by the Corps of Engineers and dated April 4, 1985.

SEC. 356. WISTER LAKE, OKLAHOMA.

The flood control project for Wister Lake, LeFlore County, Oklahoma, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1218), is modified to increase the elevation of the conservation pool to 478 feet and to adjust the seasonal pool operation to accommodate the change in the conservation pool elevation.

SEC. 357. BONNEVILLE LOCK AND DAM, COLUMBIA RIVER, OREGON AND WASHINGTON.

(a) IN GENERAL.—The project for Bonneville Lock and Dam, Columbia River, Oregon and Washington, authorized by the Act of August 20, 1937 (50 Stat. 731), and modified by section 83 of the Water Resources Development Act of 1974 (88 Stat. 35), is further modified to authorize the Secretary to convey to the city of North Bonneville, Washington, at no further cost to the city, all right, title and interest of the United States in and to the following:

(1) Any municipal facilities, utilities fixtures, and equipment for the relocated city, and any remaining lands designated as open spaces or municipal lots not previously conveyed to the city, specifically, Lots M1 through M15, M16 (the "community center lot"), M18, M19, M22, M24, S42 through S45, and S52 through S60.

(2) The "school lot" described as Lot 2, block 5, on the plat of relocated North Bonneville.

(3) Parcels 2 and C, but only upon the completion of any environmental response actions required under applicable law.

(4) That portion of Parcel B lying south of the existing city boundary, west of the sewage treatment plant, and north of the drainage ditch that is located adjacent to the northerly limit of the Hamilton Island landfill, provided the Secretary determines, at the time of the proposed conveyance, that the Army has taken all action necessary to protect human health and the environment.

(5) Such portions of Parcel H which can be conveyed without a requirement for further investigation, inventory or other action by the Department of the Army under the provisions of the National Historic Preservation Act.

(6) Such easements as the Secretary deems necessary for—

(A) sewer and water line crossings of relocated Washington State Highway 14; and

(B) reasonable public access to the Columbia River across those portions of Hamilton Island that remain under the ownership of the United States.

(b) TIME PERIOD FOR CONVEYANCES.—The conveyances referred to in subsections (a)(1), (a)(2), (a)(5), and (a)(6)(A) shall be completed within 180 days after the United States receives the release referred to in subsection (d). All other conveyances shall be completed expeditiously, subject to any conditions specified in the applicable subsection.

(c) PURPOSE.—The purpose of the conveyances authorized by subsection (a) is to resolve all outstanding issues between the United States and the city of North Bonneville.

(d) ACKNOWLEDGEMENT OF PAYMENT; RELEASE OF CLAIMS RELATING TO RELOCATION OF CITY.—As a prerequisite to the conveyances authorized by subsection (a), the city of North Bonneville shall execute an acknowledgement of payment of just compensation and shall execute a release of any and all claims for relief of any kind against the United States growing out of the relocation of the city of North Bonneville, or any prior Federal legislation relating thereto, and shall dismiss, with prejudice, any pending litigation, if any, involving such matters.

(e) RELEASE BY ATTORNEY GENERAL.—Upon receipt of the city's acknowledgment and release referred to in subsection (d), the Attorney General of the United States shall dismiss any pending litigation, if any, arising out of the relocation of the city of North Bonneville, and execute a release of any and all rights to damages of any kind under the February 20, 1987, judgment of the United States Claims Court, including any interest thereon.

(f) ACKNOWLEDGMENT OF ENTITLEMENTS; RELEASE BY CITY OF CLAIMS.—Within 60 days after the conveyances authorized by subsection (a) (other than paragraph (6)(B)) have been completed, the city shall execute an acknowledgement that all entitlements under such paragraph have been completed and shall execute a release of any and all claims for relief of any kind against the United States arising out of this subsection.

(g) EFFECTS ON CITY.—Beginning on the date of the enactment of this Act, the city of North Bonneville, or any successor in interest thereto, shall—

(1) be precluded from exercising any jurisdiction over any lands owned in whole or in part by the United States and administered by the United States Army Corps of Engineers in connection with the Bonneville project; and

(2) be authorized to change the zoning designations of, sell, or resell Parcels S35 and S56, which are presently designated as open spaces.

SEC. 358. COLUMBIA RIVER DREDGING, OREGON AND WASHINGTON.

The project for navigation, Lower Willamette and Columbia Rivers below Vancouver, Washington and Portland, Oregon, authorized by the first section of the River and Harbor Appropriations Act of June 18, 1878 (20 Stat. 152), is modified to direct the Secretary—

(1) to conduct channel simulation and to carry out improvements to the existing deep draft channel between the mouth of the river and river mile 34 at a cost not to exceed $2,400,000; and

(2) to conduct overdepth and advance maintenance dredging that is necessary to maintain authorized channel dimensions.

SEC. 359. GRAYS LANDING LOCK AND DAM, MONONGAHELA RIVER, PENNSYLVANIA.

The project for navigation Grays Landing Lock and Dam, Monongahela River, Pennsylvania, authorized by section 301(a) of the Water Resources Development Act of 1986 (100 Stat. 4110), is modified to authorize the Secretary to construct the project at a total cost of $181,000,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

SEC. 360. LACKAWANNA RIVER AT SCRANTON, PENNSYLVANIA.

The project for flood control, Lackawanna River at Scranton, Pennsylvania, authorized by section 101(16) of the Water Resources Development Act of 1992 (106 Stat. 4803), is modified to direct the Secretary to carry out the project for flood control for the Plot and Green Ridge sections of the project.

SEC. 361. MUSSERS DAM, MIDDLE CREEK, SNYDER COUNTY, PENNSYLVANIA.

Section 209(e)(5) of the Water Resources Development Act of 1992 (106 Stat. 4830) is amended by striking "$3,000,000" and inserting "$5,000,000".

SEC. 362. SAW MILL RUN, PENNSYLVANIA.

The project for flood control, Saw Mill Run, Pittsburgh, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to authorize the Secretary to carry out the project in accordance with the report of the Corps of Engineers dated April 8, 1994, at a total cost of $12,780,000, with an estimated Federal cost of $9,585,000 and an estimated non-Federal cost of $3,195,000.

SEC. 363. SCHUYLKILL RIVER, PENNSYLVANIA.

The navigation project for the Schuylkill River, Pennsylvania, authorized by the first section of the River and Harbor Appropriations Act of August 8, 1917 (40 Stat. 252), is modified to provide for the periodic removal and disposal of sediment to a depth of 6 feet detained within portions of the Fairmount pool between the Fairmount Dam and the Columbia Bridge, generally within the limits of the channel alignments referred to as the Schuylkill River Racecourse and return lane, and the Belmont Water Works intakes and Boathouse Row.

SEC. 364. SOUTH CENTRAL PENNSYLVANIA.

(a) COST SHARING.—Section 313(d)(3)(A) of the Water Resources Development Act of 1992 (106 Stat. 4846; 109 Stat. 407) is amended to read as follows:

"(A) IN GENERAL.—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for design and construction services and other in-kind work, whether occurring subsequent to, or within 6 years prior to, entering into an agreement with the Secretary. The Federal share may be provided in the form of grants or reimbursements of project costs. Non-Federal interests shall also receive credit for grants and the value of work performed on behalf of such interests by State and local agencies.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 313(g)(1) of such Act (106 Stat. 4846; 109 Stat. 407) is amended by striking "$50,000,000" and inserting "$90,000,000".

SEC. 365. WYOMING VALLEY, PENNSYLVANIA.

The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to authorize the Secretary to undertake as part of the construction of the project mechanical and electrical upgrades to existing stormwater pumping stations in the Wyoming Valley and to undertake mitigation measures.

SEC. 366. SAN JUAN HARBOR, PUERTO RICO.

The project for navigation, San Juan Harbor, Puerto Rico, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4097), is modified to authorize the Secretary to deepen the bar channel to depths varying from 49 feet to 56 feet below mean low water with other modifications to authorized interior channels as generally described in the General Reevaluation Report and Environmental Assessment, dated March 1994, at a total cost of $43,993,000, with an estimated Federal cost of $27,341,000 and an estimated non-Federal cost of $16,652,000.

SEC. 367. NARRAGANSETT, RHODE ISLAND.

Section 361(a) of the Water Resources Development Act of 1992 (106 Stat. 4861) is amended—

(1) by striking "$200,000" and inserting "$1,900,000";

(2) by striking "$150,000" and inserting "$1,425,000"; and

(3) by striking "$50,000" and inserting "$475,000".

SEC. 368. CHARLESTON HARBOR, SOUTH CAROLINA.

The project for navigation, Charleston Harbor, South Carolina, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4096), is modified to direct the Secretary to undertake ditching, clearing, spillway replacement, and dike reconstruction of the Clouter Creek Disposal Area, as a part of the operation and maintenance of the Charleston Harbor project.

SEC. 369. DALLAS FLOODWAY EXTENSION, DALLAS, TEXAS.

(a) IN GENERAL.—The project for flood control, Dallas Floodway Extension, Dallas, Texas, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091), is modified to provide that flood protection works constructed by the non-Federal interests along the Trinity River in Dallas, Texas, for Rochester Park and the Central Wastewater Treatment Plant shall be included as a part of the project and the cost of such works shall be credited against the non-Federal share of project costs but shall not be included in calculating benefits of the project.

(b) DETERMINATION OF AMOUNT.—The amount to be credited under subsection (a) shall be determined by the Secretary. In determining such amount, the Secretary may permit crediting only for that portion of the work performed by the non-Federal interests which is compatible with the project referred to in subsection (a), including any modification thereof, and which is required for construction of such project.

(c) CASH CONTRIBUTION.—Nothing in this section shall be construed to limit the applicability of the requirement contained in section 103(a)(1)(A) of the Water Resources Development Act of 1986 to the project referred to in subsection (a).

SEC. 370. UPPER JORDAN RIVER, UTAH.

The project for flood control, Upper Jordan River, Utah, authorized by section 101(a)(23) of the Water Resources Development Act of 1990 (104 Stat. 4610), is modified to authorize the Secretary to construct the project at a total cost of $12,870,000, with an estimated Federal cost of $8,580,000 and an estimated non-Federal cost of $4,290,000.

SEC. 371. HAYSI LAKE, VIRGINIA.

The Haysi Lake, Virginia, feature of the project for flood control, Tug Fork of the Big Sandy River, Kentucky, West Virginia, and Virginia, authorized by section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), is modified—

(1) to add recreation and fish and wildlife enhancement as project purposes;

(2) to direct the Secretary to construct the Haysi Dam feature of the project substantially in accordance with Plan A as set forth in the Draft General Plan Supplement Report for the Levisa Fork Basin, Virginia and Kentucky, dated May 1995;

(3) to direct the Secretary to apply section 103(m) of the Water Resources Development Act of 1986 (100 Stat. 4087) to the construction of such feature in the same manner as that section is applied to other projects or project features construed pursuant to such section 202(a); and

(4) to provide for operation and maintenance of recreational facilities on a reimbursable basis.

SEC. 372. RUDEE INLET, VIRGINIA BEACH, VIRGINIA.

The project for navigation and shoreline protection, Rudee Inlet, Virginia Beach, Virginia, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to authorize the Secretary to continue maintenance of the project for 50 years beginning on the date of initial construction of the project. The Federal share of the cost of such maintenance shall be determined in accordance with title I of the Water Resources Development Act of 1986.

SEC. 373. VIRGINIA BEACH, VIRGINIA.

The non-Federal share of the costs of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4136), shall be reduced by $3,120,803, or by such amount as is determined by an audit carried out by the Secretary to be due to the city of Virginia Beach as reimbursement for the Federal share of beach nourishment activities carried out by the city between October 1, 1986, and September 30, 1993, if the Federal Government has not reimbursed the city for the activities prior to the date on which a project cooperative agreement is executed for the project.

SEC. 374. EAST WATERWAY, WASHINGTON.

The project for navigation, East and West waterways, Seattle Harbor, Washington, authorized by the first section of the River and Harbor Appropriations Act of March 2, 1919 (40 Stat. 1275), is modified to direct the Secretary—

(1) to expedite review of potential deepening of the channel in the East waterway from Elliott Bay to Terminal 25 to a depth of up to 51 feet; and

(2) if determined to be feasible, to implement such deepening as part of project maintenance.

In carrying out work authorized by this section, the Secretary shall coordinate with the Port of Seattle regarding use of Slip 27 as a dredged material disposal area.

SEC. 375. BLUESTONE LAKE, WEST VIRGINIA.

Section 102(ff) of the Water Resources Development Act of 1992 (106 Stat. 4810) is amended by inserting "except for that organic matter necessary to maintain and enhance the biological resources of such waters and such nonobtrusive items of debris as may not be economically feasible to prevent being released through such project," after "project," the first place it appears.

SEC. 376. MOOREFIELD, WEST VIRGINIA.

The project for flood control, Moorefield, West Virginia, authorized by section 101(a)(25) of the Water Resources Development Act of 1990 (104 Stat. 4610–4611), is modified to authorize the Secretary to construct the project at a total cost of $22,000,000, with an estimated Federal cost of $17,100,000 and an estimated non-Federal cost of $4,900,000.

SEC. 377. SOUTHERN WEST VIRGINIA.

(a) COST SHARING.—Section 340(c)(3) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended to read as follows:

"(3) COST SHARING.—

"(A) IN GENERAL.—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest prior to entering into a local cooperation agreement with the Secretary for a project. The credit for such design work shall not exceed 6 percent of the total construction costs of the project. The Federal share may be in the form of grants or reimbursements of project costs.

"(B) INTEREST.—In the event of delays in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of a project's cost.

"(C) LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of such project on publicly owned or controlled lands, but not to exceed 25 percent of total project costs.

"(D) OPERATION AND MAINTENANCE.—Operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent non-Federal.".

(b) FUNDING.—Section 340(g) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended by striking "$5,000,000" and inserting "$25,000,000".

SEC. 378. WEST VIRGINIA TRAIL HEAD FACILITIES.

Section 306 of the Water Resources Development Act of 1992 (106 Stat. 4840–4841) is amended by adding at the end the following: "The Secretary shall enter into an interagency agreement with the Federal entity which provided assistance in the preparation of the study for the purposes of providing ongoing technical assistance and oversight for the trail facilities envisioned by the master plan developed under this section. The Federal entity shall provide such assistance and oversight.".

SEC. 379. KICKAPOO RIVER, WISCONSIN.

(a) IN GENERAL.—The project for flood control and allied purposes, Kickapoo River, Wisconsin, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1190) and modified by section 814 of the Water Resources Development Act of 1986 (100 Stat. 4169), is further modified as provided by this section.

(b) TRANSFER OF PROPERTY.—

(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary shall transfer to the State of Wisconsin, without consideration, all right, title, and interest of the United States to the lands described in paragraph (3), including all works, structures, and other improvements to such lands.

(2) TRANSFER TO SECRETARY OF THE INTERIOR.—Subject to the requirements of this subsection, on the date of the transfer under paragraph (1), the Secretary shall transfer to the Secretary of the Interior, without consideration, all right, title, and interest of the United States in and to lands that are culturally and religiously significant sites of the Ho-Chunk Nation (a federally recognized Indian tribe) and are located within the lands described in paragraph (3). Such lands shall be specified in accordance with paragraph (4)(C) and may not exceed a total of 1,200 acres.

(3) LAND DESCRIPTION.—The lands to be transferred pursuant to paragraphs (1) and (2) are the approximately 8,569 acres of land associated with the LaFarge Dam and Lake portion of the project referred to in subsection (a) in Vernon County, Wisconsin, in the following sections:

(A) Section 31, Township 14 North, Range 1 West of the 4th Principal Meridian.

(B) Sections 2 through 11, and 16, 17, 20, and 21, Township 13 North, Range 2 West of the 4th Principal Meridian.

(C) Sections 15, 16, 21 through 24, 26, 27, 31, and 33 through 36, Township 14 North, Range 2 West of the 4th Principal Meridian.

(4) TERMS AND CONDITIONS.—

(A) HOLD HARMLESS; REIMBURSEMENT OF UNITED STATES.—The transfer under paragraph (1) shall be made on the condition that the State of Wisconsin enters into a written agreement with the Secretary to hold the United States harmless from all claims arising from or through the operation of the lands and improvements subject to the transfer. If title to the lands described in paragraph (3) is sold or transferred by the State, then the State shall reimburse the United States for the price originally paid by the United States for purchasing such lands.

(B) IN GENERAL.—The Secretary shall make the transfers under paragraphs (1) and (2) only if on or before October 31, 1997, the State of Wisconsin enters into and submits to the Secretary a memorandum of understanding, as specified in subparagraph (C), with the tribal organization (as defined by section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l))) of the Ho-Chunk Nation.

(C) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding referred to in subparagraph (B) shall contain, at a minimum, the following:

(i) A description of sites and associated lands to be transferred to the Secretary of the Interior under paragraph (2).

(ii) An agreement specifying that the lands transferred under paragraphs (1) and (2) shall be preserved in a natural state and developed only to the extent necessary to enhance outdoor recreational and educational opportunities.

(iii) An agreement specifying the terms and conditions of a plan for the management of the lands to be transferred under paragraphs (1) and (2).

(iv) A provision requiring a review of the plan referred to in clause (iii) to be conducted every 10 years under which the State of Wisconsin, acting through the Kickapoo Valley Governing Board, and the Ho-Chunk Nation may agree to revisions of the plan in order to address changed circumstances on the lands transferred under paragraph (2). Such provision may include a plan for the transfer by the State to the Secretary of the Interior of any additional site discovered to be culturally and religiously significant to the Ho-Chunk Nation.

(5) ADMINISTRATION OF LANDS.—The lands transferred to the Secretary of the Interior under paragraph (2), and any lands transferred to the Secretary of the Interior pursuant to the memorandum of understanding entered into under paragraph (3), shall be held in trust for, and added to and administered as part of the reservation of, the Ho-Chunk Nation.

(6) TRANSFER OF FLOWAGE EASEMENTS.—The Secretary shall transfer to the owner of the servient estate, without consideration, all right, title, and interest of the United States in and to each flowage easement acquired as part of the project referred to in subsection (a) within Township 14 North, Range 2 West of the 4th Principal Meridian, Vernon County, Wisconsin.

(7) DEAUTHORIZATION.—Except as provided in subsection (c), the LaFarge Dam and Lake portion of the project referred to in subsection (a) is not authorized after the date of the transfer under this subsection.

(8) INTERIM MANAGEMENT AND MAINTENANCE.—The Secretary shall continue to manage and maintain the LaFarge Dam and Lake portion of the project referred to in subsection (a) until the date of the transfer under this section.

(c) COMPLETION OF PROJECT FEATURES.—

(1) REQUIREMENT.—The Secretary shall undertake the completion of the following features of the project referred to in subsection (a):

(A) The continued relocation of State highway route 131 and county highway routes P and F substantially in accordance with plans contained in Design Memorandum No. 6, Relocation-LaFarge Reservoir, dated June 1970; except that the relocation shall generally follow the existing road rights-of-way through the Kickapoo Valley.

(B) Environmental cleanup and site restoration of abandoned wells, farm sites, and safety modifications to the water control structures.

(C) Cultural resource activities to meet the requirements of Federal law.

(2) PARTICIPATION BY STATE OF WISCONSIN.—In undertaking the completion of the features described in paragraph (1), the Secretary shall determine the requirements of the State of Wisconsin on the location and design of each such feature.

(d) FUNDING.—There is authorized to be appropriated to carry out this section for fiscal years beginning after September 30, 1996, $17,000,000.

SEC. 380. TETON COUNTY, WYOMING.

Section 840 of the Water Resources Development Act of 1986 (100 Stat. 4176) is amended—

(1) by striking ": Provided, That" and inserting "; except that";

(2) by striking "in cash or materials" and inserting ", through providing in-kind services or cash or materials,"; and

(3) by adding at the end the following: "In carrying out this section, the Secretary may enter into agreements with the non-Federal sponsor permitting the non-Federal sponsor to perform operation and maintenance for the project on a cost-reimbursable basis.".

TITLE IV—STUDIES

SEC. 401. CORPS CAPABILITY STUDY, ALASKA.

The Secretary shall review the capability of the Corps of Engineers to plan, design, construct, operate, and maintain rural sanitation projects for rural and Native villages in Alaska. Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit findings and recommendations on the agency's capability, together with recommendations on the advisability of assuming such a mission.

SEC. 402. MCDOWELL MOUNTAIN, ARIZONA.

The Secretary shall credit the non-Federal share of the cost of the feasibility study on the McDowell Mountain project an amount equivalent to the cost of work performed by the city of Scottsdale, Arizona, and accomplished prior to the city's entering into an agreement with the Secretary if the Secretary determines that the work is necessary for the study.

SEC. 403. NOGALES WASH AND TRIBUTARIES, ARIZONA.

(a) STUDY.—The Secretary shall conduct a study of the relationship of flooding in Nogales, Arizona, and floodflows emanating from Mexico.

(b) REPORT.—The Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with recommendations concerning the appropriate level of non-Federal participation in the project for flood control, Nogales Wash and tributaries, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606).

SEC. 404. GARDEN GROVE, CALIFORNIA.

The Secretary shall conduct a study to assess the feasibility of implementing improvements in the regional flood control system within Garden Grove, California.

SEC. 405. MUGU LAGOON, CALIFORNIA.

(a) STUDY.—The Secretary shall conduct a study of the environmental impacts associated with sediment transport, flood flows, and upstream watershed land use practices on Mugu Lagoon, California. The study shall include an evaluation of alternatives for the restoration of the estuarine ecosystem functions and values associated with Mugu Lagoon and the endangered and threatened species inhabiting the area.

(b) CONSULTATION AND COORDINATION.—In conducting the study, the Secretary shall consult with the Secretary of the Navy and shall coordinate with State and local resource agencies to assure that the study is compatible with restoration efforts for the Calleguas Creek watershed.

(c) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

SEC. 406. SANTA YNEZ, CALIFORNIA.

(a) PLANNING.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall prepare a comprehensive river basin management plan addressing the long term ecological, economic, and flood control needs of the Santa Ynez River basin, California. In preparing such plan, the Secretary shall consult the Santa Barbara Flood Control District and other affected local governmental entities.

(b) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to the Santa Barbara Flood Control District with respect to implementation of the plan to be prepared under subsection (a).

SEC. 407. SOUTHERN CALIFORNIA INFRASTRUCTURE.

(a) ASSISTANCE.—Section 116(d)(1) of the Water Resources Development Act of 1990 (104 Stat. 4624) is amended—

(1) in the heading of paragraph (1) by inserting "AND ASSISTANCE" after "STUDY"; and

(2) by adding at the end the following: "In addition, the Secretary shall provide technical, design, and planning assistance to non-Federal interests in developing potential infrastructure projects.".

(b) FUNDING.—Section 116(d)(3) of such Act is amended by striking "$1,500,000" and inserting "$7,500,000".

SEC. 408. YOLO BYPASS, SACRAMENTO-SAN JOAQUIN DELTA, CALIFORNIA.

The Secretary shall study the advisability of acquiring land in the vicinity of the Yolo Bypass in the Sacramento-San Joaquin Delta, California, for the purpose of environmental mitigation for the flood control project for Sacramento, California, and other water resources projects in the area.

SEC. 409. CHAIN OF ROCKS CANAL, ILLINOIS.

The Secretary shall complete a limited reevaluation of the authorized St. Louis Harbor Project in the vicinity of the Chain of Rocks Canal, Illinois, and consistent with the authorized purposes of that project, to include evacuation of waters interior to the Chain of Rocks Canal East Levee.

SEC. 410. QUINCY, ILLINOIS.

(a) STUDY.—The Secretary shall study and evaluate the critical infrastructure of the Fabius River Drainage District, the South

Quincy Drainage and Levee District, the Sny Island Levee Drainage District, and the city of Quincy, Illinois—

(1) to determine if additional flood protection needs of such infrastructure should be identified or implemented;

(2) to produce a definition of critical infrastructure;

(3) to develop evaluation criteria; and

(4) to enhance existing geographic information system databases to encompass relevant data that identify critical infrastructure for use in emergencies and in routine operation and maintenance activities.

(b) CONSIDERATION OF OTHER STUDIES.—In conducting the study under this section, the Secretary shall consider the recommendations of the Interagency Floodplain Management Committee Report, the findings of the Floodplain Management Assessment of the Upper Mississippi River and Lower Missouri Rivers and Tributaries, and other relevant studies and findings.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, together with recommendations regarding each of the purposes of the study described in paragraphs (1) through (4) of subsection (a).

SEC. 411. SPRINGFIELD, ILLINOIS.

The Secretary shall provide technical, planning, and design assistance to the city of Springfield, Illinois, in developing—

(1) an environmental impact statement for the proposed development of a water supply reservoir, including the preparation of necessary documentation in support of the environmental impact statement; and

(2) an evaluation of technical, economic, and environmental impacts of such development.

SEC. 412. BEAUTY CREEK WATERSHED, VALPARAISO CITY, PORTER COUNTY, INDIANA.

The Secretary shall conduct a study to assess the feasibility of implementing streambank erosion control measures and flood control measures within the Beauty Creek watershed, Valparaiso City, Porter County, Indiana.

SEC. 413. GRAND CALUMET RIVER, HAMMOND, INDIANA.

(a) STUDY.—The Secretary shall conduct a study to establish a methodology and schedule to restore the wetlands at Wolf Lake and George Lake in Hammond, Indiana.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a).

SEC. 414. INDIANA HARBOR CANAL, EAST CHICAGO, LAKE COUNTY, INDIANA.

The Secretary shall conduct a study of the feasibility of including environmental and recreational features, including a vegetation buffer, as part of the project for navigation, Indiana Harbor Canal, East Chicago, Lake County, Indiana, authorized by the first section of the Rivers and Harbors Appropriations Act of June 25, 1910 (36 Stat. 657).

SEC. 415. KOONTZ LAKE, INDIANA.

The Secretary shall conduct a study of the feasibility of implementing measures to restore Koontz Lake, Indiana, including measures to remove silt, sediment, nutrients, aquatic growth, and other noxious materials from Koontz Lake, measures to improve public access facilities to Koontz Lake, and measures to prevent or abate the deposit of sediments and nutrients in Koontz Lake.

SEC. 416. LITTLE CALUMET RIVER, INDIANA.

(a) STUDY.—The Secretary shall conduct a study of the impact of the project for flood control, Little Calumet River, Indiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), on flooding and water quality in the vicinity of the Black Oak area of Gary, Indiana.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with recommendations for cost-effective remediation of impacts described in subsection (a).

(c) FEDERAL SHARE.—The Federal share of the cost of the study to be conducted under subsection (a) shall be 100 percent.

SEC. 417. TIPPECANOE RIVER WATERSHED, INDIANA.

(a) STUDY.—The Secretary shall conduct a study of water quality and environmental restoration needs in the Tippecanoe River watershed, Indiana, including measures necessary to reduce siltation in Lake Shafer and Lake Freeman.

(b) ASSISTANCE.—The Secretary shall provide technical, planning, and design assistance to the Shafer Freeman Lakes Environmental Conservation Corporation in addressing potential environmental restoration activities determined as a result of the study conducted under subsection (a).

SEC. 418. CALCASIEU SHIP CHANNEL, HACKBERRY, LOUISIANA.

The Secretary shall conduct a study to determine the need for improved navigation and related support service structures in the vicinity of the Calcasieu Ship Channel, Hackberry, Louisiana.

SEC. 419. HURON RIVER, MICHIGAN.

The Secretary shall conduct a study to determine the need for channel improvements and associated modifications for the purpose of providing a harbor of refuge at Huron River, Michigan.

SEC. 420. SACO RIVER, NEW HAMPSHIRE.

The Secretary shall conduct a study of flood control problems along the Saco River in Hart's Location, New Hampshire, for the purpose of evaluating retaining walls, berms, and other structures with a view to potential solutions involving repair or replacement of existing structures and shall consider other alternatives for flood damage reduction.

SEC. 421. BUFFALO RIVER GREENWAY, NEW YORK.

The Secretary shall conduct a study of a potential greenway trail project along the Buffalo River between the park system of the city of Buffalo, New York, and Lake Erie. Such study shall include preparation of an integrated plan of development that takes into consideration the adjacent parks, nature preserves, bikeways, and related recreational facilities.

SEC. 422. PORT OF NEWBURGH, NEW YORK.

The Secretary shall conduct a study of the feasibility of carrying out improvements for navigation at the port of Newburgh, New York.

SEC. 423. PORT OF NEW YORK-NEW JERSEY SEDIMENT STUDY.

(a) STUDY OF MEASURES TO REDUCE SEDIMENT DEPOSITION.—The Secretary shall conduct a study of measures that could reduce sediment deposition in the vicinity of the Port of New York-New Jersey for the purpose of reducing the volumes to be dredged for navigation projects in the Port.

(b) DREDGED MATERIAL DISPOSAL STUDY.—The Secretary shall conduct a study to determine the feasibility of constructing and operating an underwater confined dredged material disposal site in the Port of New York-New Jersey which could accommodate as much as 250,000 cubic yards of dredged materials for the purpose of demonstrating the feasibility of an underwater confined disposal pit as an environmentally suitable method of containing certain sediments.

(c) REPORT.—The Secretary shall transmit to Congress a report on the results of the studies conducted under this section, together with any recommendations of the Secretary concerning reduction of sediment deposition referred to in subsection (a).

SEC. 424. PORT OF NEW YORK-NEW JERSEY NAVIGATION STUDY.

The Secretary shall conduct a comprehensive study of navigation needs at the Port of New York-New Jersey (including the South Brooklyn Marine and Red Hook Container Terminals, Staten Island, and adjacent areas) to address improvements, including deepening of existing channels to depths of 50 feet or greater, that are required to provide economically efficient and environmentally sound navigation to meet current and future requirements.

SEC. 425. CHAGRIN RIVER, OHIO.

The Secretary shall conduct a study of flooding problems along the Chagrin River in Eastlake, Ohio. In conducting such study, the Secretary shall evaluate potential solutions to flooding from all sources, including that resulting from ice jams, and shall evaluate the feasibility of a sedimentation collection pit and other potential measures to reduce flooding.

SEC. 426. CUYAHOGA RIVER, OHIO.

The Secretary shall conduct a study to evaluate the integrity of the bulkhead system located on the Federal channel along the Cuyahoga River in the vicinity of Cleveland, Ohio, and shall provide to the non-Federal interest an analysis of costs and repairs of the bulkhead system.

SEC. 427. CHARLESTON, SOUTH CAROLINA, ESTUARY.

The Secretary is authorized to conduct a study of the Charleston estuary area located in Charleston, Berkeley, and Dorchester Counties, South Carolina, for the purpose of evaluating environmental conditions in the tidal reaches of the Ashley, Cooper, Stono, and Wando Rivers and the lower portions of Charleston Harbor.

SEC. 428. MUSTANG ISLAND, CORPUS CHRISTI, TEXAS.

The Secretary shall conduct a study of navigation along the south-central coast of Texas near Corpus Christi for the purpose of determining the feasibility of constructing and maintaining the Packery Channel on the southern portion of Mustang Island.

SEC. 429. PRINCE WILLIAM COUNTY, VIRGINIA.

The Secretary shall conduct a study of flooding, erosion, and other water resources problems in Prince William County, Virginia, including an assessment of wetlands protection, erosion control, and flood damage reduction needs of the County.

SEC. 430. PACIFIC REGION.

(a) STUDY.—The Secretary is authorized to conduct studies in the interest of navigation in that part of the Pacific region that includes American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

(b) COST SHARING.—The cost sharing provisions of section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215; 100 Stat. 4088–4089) shall apply to studies under this section.

SEC. 431. FINANCING OF INFRASTRUCTURE NEEDS OF SMALL AND MEDIUM PORTS.

(a) STUDY.—The Secretary shall conduct a study of alternative financing mechanisms

for ensuring adequate funding for the infrastructure needs of small and medium ports.

(b) MECHANISMS TO BE STUDIED.—Mechanisms to be studied under subsection (a) shall include the establishment of revolving loan funds.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study conducted under subsection (a).

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. PROJECT DEAUTHORIZATIONS.

The following projects are not authorized after the date of the enactment of this Act:

(1) BRANFORD HARBOR, CONNECTICUT.—The following portion of the project for navigation, Branford River, Connecticut, authorized by the first section of the Rivers and Harbors Appropriations Act of June 13, 1902 (32 Stat. 333): Starting at a point on the Federal channel line whose coordinates are N156181.32, E581572.38, running south 70 degrees 11 minutes 8 seconds west a distance of 171.58 feet to another point on the Federal channel line whose coordinates are N156123.18, E581410.96.

(2) BRIDGEPORT HARBOR, CONNECTICUT.—The following portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297): A 2.4-acre anchorage area, 9 feet deep, and an adjacent 0.6-acre anchorage, 6 feet deep, located on the west side of Johnsons River.

(3) GUILFORD HARBOR, CONNECTICUT.—The following portion of the project for navigation, Guilford Harbor, Connecticut, authorized by section 2 of the Act entitled "An Act authorizing construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (50 Stat. 13): Starting at a point where the Sluice Creek Channel intersects with the main entrance channel, N159194.63, E623201.07, thence running north 24 degrees 58 minutes 15.2 seconds west 478.40 feet to a point N159628.31, E622999.11, thence running north 20 degrees 18 minutes 31.7 seconds west 351.53 feet to a point N159957.99, E622877.10, thence running north 69 degrees 41 minutes 37.9 seconds east 55.000 feet to a point N159977.08, E622928.69, thence turning and running south 20 degrees 18 minutes 31.0 seconds east 349.35 feet to a point N159649.45, E623049.94, thence turning and running south 24 degrees 58 minutes 11.1 seconds east 341.36 feet to a point N159340.00, E623194.04, thence turning and running south 90 degrees 0 minutes 0 seconds east 78.86 feet to a point N159340.00, E623272.90.

(4) JOHNSONS RIVER CHANNEL, BRIDGEPORT HARBOR, CONNECTICUT.—The following portion of the project for navigation, Johnsons River Channel, Bridgeport Harbor, Connecticut, authorized by the first section of the Rivers and Harbors Act of July 24, 1946 (60 Stat. 634): Northerly of a line across the Federal channel. The coordinates of such line are N 123318.35, E 486301.68 and N 123257.15, E 486380.77.

(5) MYSTIC RIVER, CONNECTICUT.—The following portion of the project for improving the Mystic River, Connecticut, authorized by the River and Harbor Act approved March 4, 1913 (37 Stat. 802):

Beginning in the 15-foot deep channel at coordinates north 190860.82, east 814416.20, thence running southeast about 52.01 feet to the coordinates north 190809.47, east 814424.49, thence running southwest about 34.02 feet to coordinates north 190780.46, east 814406.70, thence running north about 80.91 feet to the point of beginning.

(6) NORWALK HARBOR, CONNECTICUT.—

(A) DEAUTHORIZATION.—The portion of the project for navigation, Norwalk Harbor, Connecticut, authorized by the River and Harbor Act of March 2, 1919 (40 Stat. 1276), that lies northerly of a line across the Federal channel having coordinates N104199.72, E417774.12 and N104155.59, E417628.96, and those portions of the 6-foot deep East Norwalk Channel and Anchorage, authorized by section 2 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 13), not included in the description of the realignment of the project contained in subparagraph (B).

(B) REALIGNMENT DESCRIPTION.—The realigned 6-foot deep East Norwalk Channel and Anchorage is described as follows: starting at a point on the East Norwalk Channel, N95743.02, E419581.37, thence running northwesterly about 463.96 feet to a point N96197.93, E419490.18, thence running northwesterly about 549.32 feet to a point N96608.49, E419125.23, thence running northwesterly about 384.06 feet to a point N96965.94, E418984.75, thence running northwesterly about 407.26 feet to a point N97353.87, E418860.78, thence running westerly about 58.26 feet to a point N97336.26, E418805.24, thence running northwesterly about 70.99 feet to a point N97390.30, E418759.21, thence running westerly about 71.78 feet to a point on the anchorage limit N97405.26, E418689.01, thence running southerly along the western limits of the existing Federal anchorage until reaching a point N95893.74, E419449.17, thence running in a southwesterly direction about 78.74 feet to a point on the East Norwalk Channel N95815.62, E419439.33.

(C) REDESIGNATION.—All of the realigned channel shall be redesignated as anchorage, with the exception of that portion of the channel which narrows to a width of 100 feet and terminates at a line whose coordinates are N96456.81, E419260.06, and N96390.37, E419185.32, which shall remain as a channel.

(7) SOUTHPORT HARBOR, CONNECTICUT.—

(A) DEAUTHORIZATION PORTION OF PROJECT.—The following portions of the project for navigation, Southport Harbor, Connecticut, authorized by the first section of the Rivers and Harbors Act of August 30, 1935 (49 Stat. 1029):

(i) The 6-foot deep anchorage located at the head of the project.

(ii) The portion of the 9-foot deep channel beginning at a bend in the channel whose coordinates are north 109131.16, east 452653.32 running thence in a northeasterly direction about 943.01 feet to a point whose coordinates are north 109635.22, east 453450.31 running thence in a southeasterly direction about 22.66 feet to a point whose coordinates are north 109617.15, east 453463.98 running thence in a southwesterly direction about 945.18 feet to the point of beginning.

(B) REMAINDER.—The remaining portion of the project referred to in subparagraph (A) northerly of a line whose coordinates are north 108699.15, east 452768.36 and north 108655.66, east 452858.73 shall be redesignated as an anchorage.

(8) STONY CREEK, BRANFORD, CONNECTICUT.—The following portion of the project for navigation, Stony Creek, Connecticut, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577): The 6-foot maneuvering basin starting at a point N157031.91, E599030.79, thence running northeasterly about 221.16 feet to a point N157191.06, E599184.37, thence running northerly about 162.60 feet to a point N157353.56, E599189.99, thence running southwesterly about 358.90 feet to the point of origin.

(9) KENNEBUNK RIVER, MAINE.—That portion of the project for navigation, Kennebunk River, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173) and consisting of a 6-foot deep channel that lies northerly of a line whose coordinates are N191412.53, E417265.28 and N191445.83, E417332.48.

(10) YORK HARBOR, MAINE.—That portion of the project for navigation, York Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480), located in the 8-foot deep anchorage area beginning at coordinates N 109340.19, E 372066.93, thence running north 65 degrees 12 minutes 10.5 seconds E 423.27 feet to a point N 109517.71, E372451.17, thence running north 28 degrees 42 minutes 58.3 seconds west 11.68 feet to a point N 109527.95, E 372445.56, thence running south 63 degrees 37 minutes 24.6 seconds west 422.63 feet returning to the point of beginning and that portion in the 8-foot deep anchorage area beginning at coordinates N 108557.24, E 371645.88, thence running south 60 degrees 41 minutes 17.2 seconds east 484.51 feet to a point N 108320.04, E 372068.36, thence running north 29 degrees 12 minutes 53.3 seconds east 15.28 feet to a point N 108333.38, E 372075.82, thence running north 62 degrees 29 minutes 42.1 seconds west 484.73 feet returning to the point of beginning.

(11) CHELSEA RIVER, BOSTON HARBOR, MASSACHUSETTS.—The following portion of the project for navigation, Boston Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), consisting of a 35-foot deep channel in the Chelsea River: Beginning at a point on the northern limit of the existing project N505357.84, E724519.19, thence running northeasterly about 384.19 feet along the northern limit of the existing project to a bend on the northern limit of the existing project N505526.87, E724864.20, thence running southeasterly about 368.00 feet along the northern limit of the existing project to another point N505404.77, E725211.35, thence running westerly about 594.53 feet to a point N505376.12, E724617.51, thence running southwesterly about 100.00 feet to the point of origin.

(12) COHASSET HARBOR, COHASSET, MASSACHUSETTS.—The following portions of the project for navigation, Cohasset Harbor, Massachusetts, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(A) The portion starting at a point N453510.15, E792664.63, thence running south 53 degrees 07 minutes 05.4 seconds west 307.00 feet to a point N453325.90, E792419.07, thence running north 57 degrees 56 minutes 36.8 seconds west 201.00 feet to a point N453432.58, E792248.72, thence running south 88 degrees 57 minutes 25.6 seconds west 50.00 feet to a point N453431.67, E792198.73, thence running north 01 degree 02 minutes 52.3 seconds west 66.71 feet to a point N453498.37, E792197.51, thence running north 69 degrees 12 minutes 52.3 seconds east 332.32 feet to a point N453616.30, E792508.20, thence running south 55 degrees 50 minutes 24.1 seconds east 189.05 feet to the point of origin.

(B) The portion starting at a point N452886.64, E791287.83, thence running south 00 degrees 00 minutes 00.0 seconds west 56.04 feet to a point N452830.60, E791287.83, thence running north 90 degrees 00 minutes 00.0 seconds west 101.92 feet to a point, N452830.60, E791185.91, thence running north 52 degrees 12 minutes 49.7 seconds east 89.42 feet to a point, N452885.39, E791256.58, thence running

north 87 degrees 42 minutes 33.8 seconds east 31.28 feet to the point of origin.

(C) The portion starting at a point, N452261.08, E792040.24, thence running north 89 degrees 07 minutes 19.5 seconds east 118.78 feet to a point, N452262.90, E792159.01, thence running south 43 degrees 39 minutes 06.8 seconds west 40.27 feet to a point, N452233.76, E792131.21, thence running north 74 degrees 33 minutes 29.1 seconds west 94.42 feet to a point, N452258.90, E792040.20, thence running north 01 degree 03 minutes 04.3 seconds east 2.18 feet to the point of origin.

(13) FALMOUTH, MASSACHUSETTS.—

(A) DEAUTHORIZATIONS.—The following portions of the project for navigation, Falmouth Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1948 (62 Stat. 1172):

(i) The portion commencing at a point north 199286.37 east 844394.81 a line running north 73 degrees 09 minutes 29 seconds east 440.34 feet to a point north 199413.99 east 844816.36, thence turning and running north 43 degrees 09 minutes 34.5 seconds east 119.99 feet to a point north 199501.52 east 844898.44, thence turning and running south 66 degrees 52 minutes 03.5 seconds east 547.66 feet returning to a point north 199286.41 east 844394.91.

(ii) The portion commencing at a point north 199647.41 east 845035.25 a line running north 43 degrees 09 minutes 33.1 seconds east 767.15 feet to a point north 200207.01 east 845560.00, thence turning and running north 11 degrees 04 minutes 24.3 seconds west 380.08 feet to a point north 200580.01 east 845487.00, thence turning and running north 22 degrees 05 minutes 50.8 seconds east 1332.36 feet to a point north 201814.50 east 845988.21, thence turning and running north 02 degrees 54 minutes 15.7 seconds east 15.0 feet to a point north 201829.48 east 845988.97, thence turning and running south 24 degrees 56 minutes 42.3 seconds west 1410.29 feet returning to the point north 200550.75 east 845394.18.

(B) REDESIGNATION.—The portion of the project for navigation Falmouth, Massachusetts, referred to in subparagraph (A) upstream of a line designated by the 2 points north 199463.18 east 844496.40 and north 199350.36 east 844544.60 is redesignated as an anchorage area.

(14) MYSTIC RIVER, MASSACHUSETTS.—The following portion of the project for navigation, Mystic River, Massachusetts, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 164): The 35-foot deep channel beginning at a point on the northern limit of the existing project, N506243.78, E717600.27, thence running easterly about 1000.00 feet along the northern limit of the existing project to a point, N506083.42, E718587.33, thence running southerly about 40.00 feet to a point, N506043.94, E718580.91, thence running westerly about 1000.00 feet to a point, N506204.29, E717593.85, thence running northerly about 40.00 feet to the point of origin.

(15) RESERVED CHANNEL, BOSTON, MASSACHUSETTS.—That portion of the project for navigation, Reserved Channel, Boston, Massachusetts, authorized by section 101(a)(12) of the Water Resources Development Act of 1990 (104 Stat. 4607), that consists of a 40-foot deep channel beginning at a point along the southern limit of the authorized project, N489391.22, E728246.54, thence running northerly about 54 feet to a point, N489445.53, E728244.97, thence running easterly about 2,926 feet to a point, N489527.38, E731170.41, thence running southeasterly about 81 feet to a point, N489474.87, E731232.55, thence running westerly about 2,987 feet to the point of origin.

(16) WEYMOUTH-FORE AND TOWN RIVERS, MASSACHUSETTS.—The following portions of the project for navigation, Weymouth-Fore and Town Rivers, Boston Harbor, Massachusetts, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1089):

(A) The 35-foot deep channel beginning at a bend on the southern limit of the existing project, N457394.01, E741109.74, thence running westerly about 405.25 feet to a point, N457334.64, E740708.86, thence running southwesterly about 462.60 feet to another bend in the southern limit of the existing project, N457132.00, E740293.00, thence running northeasterly about 857.74 feet along the southern limit of the existing project to the point of origin.

(B) The 15 and 35-foot deep channels beginning at a point on the southern limit of the existing project, N457163.41, E739903.49, thence running northerly about 111.99 feet to a point, N457275.37, E739900.76, thence running westerly about 692.37 feet to a point N457303.40, E739208.96, thence running southwesterly about 190.01 feet to another point on the southern limit of the existing project, N457233.17, E739032.41, thence running easterly about 873.87 feet along the southern limit of the existing project to the point of origin.

(17) COCHECO RIVER, NEW HAMPSHIRE.—The portion of the project for navigation, Cocheco River, New Hampshire, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 19, 1890 (26 Stat. 436), that consists of a 7-foot deep channel that lies northerly of a line the coordinates of which are N255292.31, E713095.36, and N255334.51, E713138.01.

(18) MORRISTOWN HARBOR, NEW YORK.—The following portion of the project for navigation, Morristown Harbor, New York, authorized by the first section of the Rivers and Harbors Act of January 21, 1927 (44 Stat. 1011): The portion that lies north of the north boundary of Morris Street extended.

(19) OSWEGATCHIE RIVER, OGDENSBURG NEW YORK.—The portion of the Federal channel of the project for navigation, Ogdensburg Harbor, New York, authorized by the first section of the Rivers and Harbors Appropriations Act of June 25, 1910 (36 Stat. 635), as modified by the first section of the Rivers and Harbors Act of August 30, 1935 (49 Stat. 1037), that is in the Oswegatchie River in Ogdensburg, New York, from the southernmost alignment of the Route 68 bridge upstream to the northernmost alignment of the Lake Street bridge.

(20) CONNEAUT HARBOR, OHIO.—The most southerly 300 feet of the 1,670-foot long Shore Arm of the project for navigation, Conneaut Harbor, Ohio, authorized by the first section of the Rivers and Harbors Appropriation Act of June 25, 1910 (36 Stat. 653).

(21) LORAIN SMALL BOAT BASIN, LAKE ERIE, OHIO.—The portion of the Federal navigation channel, Lorain Small Boat Basin, Lake Erie, Ohio, authorized pursuant to section 107 of the River and Harbor Act of 1960 (74 Stat. 486) that is situated in the State of Ohio, County of Lorain, Township of Black River and is a part of Original Black River Township Lot Number 1, Tract Number 1, further known as being submerged lands of Lake Erie owned by the State of Ohio and that is more definitely described as follows:

Commencing at a drill hole found on the centerline of Lakeside Avenue (60 feet in width) at the intersection of the centerline of the East Shorearm of Lorain Harbor, said point is known as United States Army Corps of Engineers Monument No. 203 (N658012.20, E208953.88).

Thence, in a line north 75 degrees 26 minutes 12 seconds west, a distance of 387.87 feet to a point (N658109.73, E2089163.47). This point is hereinafter in this paragraph referred to as the "principal point of beginning".

Thence, north 58 degrees 14 minutes 11 seconds west, a distance of 50.00 feet to a point (N658136.05, E2089120.96).

Thence, south 67 degrees 49 minutes 32 seconds west, a distance of 665.16 feet to a point (N657885.00, E2088505.00).

Thence, north 88 degrees 13 minutes 52 seconds west, a distance of 551.38 feet to a point (N657902.02, E2087953.88).

Thence, north 29 degrees 17 minutes 42 seconds east, a distance of 114.18 feet to point (N658001.60, E2088009.75).

Thence, south 88 degrees 11 minutes 40 seconds east, a distance of 477.00 feet to a point (N657986.57, E2088486.51).

Thence, north 68 degrees 11 minutes 06 seconds east, a distance of 601.95 feet to a point (N658210.26, E2089045.35).

Thence, north 35 degrees 11 minutes 34 seconds east, a distance of 89.58 feet to a point (N658283.47, E2089096.98).

Thence, south 20 degrees 56 minutes 30 seconds east, a distance of 186.03 feet to the principal point of beginning (N658109.73, E2089163.47) and containing within such bounds 2.81 acres, more or less, of submerged land.

(22) APPONAUG COVE, WARWICK, RHODE ISLAND.—The following portion of the project for navigation, Apponaug Cove, Rhode Island, authorized under section 101 of the River and Harbor Act of 1960 (74 Stat. 480): The 6-foot channel bounded by coordinates N223269.93, E513089.12; N223348.31, E512799.54; N223251.78, E512773.41; and N223178.0, E513046.0.

(23) PORT WASHINGTON HARBOR, WISCONSIN.—The following portion of the navigation project for Port Washington Harbor, Wisconsin, authorized by the Rivers and Harbors Appropriations Act of July 11, 1870 (16 Stat. 223): Beginning at the northwest corner of project at Channel Pt. No. 36, of the Federal Navigation Project, Port Washington Harbor, Ozaukee County, Wisconsin, at coordinates N513529.68, E2535215.64, thence 188 degrees 31 minutes 59 seconds, a distance of 178.32 feet, thence 196 degrees 47 minutes 17 seconds, a distance of 574.80 feet, thence 270 degrees 58 minutes 25 seconds, a distance of 465.50 feet, thence 178 degrees 56 minutes 17 seconds, a distance of 130.05 feet, thence 87 degrees 17 minutes 05 seconds, a distance of 510.22 feet, thence 104 degrees 58 minutes 31 seconds, a distance of 178.33 feet, thence 115 degrees 47 minutes 55 seconds, a distance of 244.15 feet, thence 25 degrees 12 minutes 08 seconds, a distance of 310.00 feet, thence 294 degrees 46 minutes 50 seconds, a distance of 390.20 feet, thence 16 degrees 56 minutes 16 seconds, a distance of 570.90 feet, thence 266 degrees 01 minutes 25 seconds, a distance of 190.78 feet to Channel Pt. No. 36, point of beginning.

SEC. 502. PROJECT REAUTHORIZATIONS.

(a) GRAND PRAIRIE REGION AND BAYOU METO BASIN, ARKANSAS.—The project for flood control, Grand Prairie Region and Bayou Meto Basin, Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 174) and deauthorized pursuant to section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(1)), is authorized to be carried out by the Secretary; except that the scope of the project

includes ground water protection and conservation, agricultural water supply, and waterfowl management.

(b) WHITE RIVER, ARKANSAS.—The project for navigation, White River Navigation to Batesville, Arkansas, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4139) and deauthorized by section 52(b) of the Water Resources Development Act of 1988 (102 Stat. 4045), is authorized to be carried out by the Secretary.

(c) DES PLAINES RIVER, ILLINOIS.—The project for wetlands research, Des Plaines River, Illinois, authorized by section 45 of the Water Resources Development Act of 1988 (102 Stat. 4041) and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(d) ALPENA HARBOR, MICHIGAN.—The project for navigation, Alpena Harbor, Michigan, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090) and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(e) ONTONAGON HARBOR, ONTONAGON COUNTY, MICHIGAN.—The project for navigation, Ontonagon Harbor, Ontonagon County, Michigan, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176) and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(f) KNIFE RIVER HARBOR, MINNESOTA.—The project for navigation, Knife River Harbor, Minnesota, authorized by section 100 of the Water Resources Development Act of 1974 (88 Stat. 41) and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(g) CLIFFWOOD BEACH, NEW JERSEY.—The project for hurricane-flood protection and beach erosion control on Raritan Bay and Sandy Hook Bay, New Jersey, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 118) and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

SEC. 503. CONTINUATION OF AUTHORIZATION OF CERTAIN PROJECTS.

(a) GENERAL RULE.—Notwithstanding section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a), the following projects shall remain authorized to be carried out by the Secretary:

(1) CEDAR RIVER HARBOR, MICHIGAN.—The project for navigation, Cedar River Harbor, Michigan, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090).

(2) CROSS VILLAGE HARBOR, MICHIGAN.—The project for navigation, Cross Village Harbor, Michigan, authorized by section 101 of the River and Harbor Act of 1966 (80 Stat. 1405).

(b) LIMITATION.—A project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period that begins on the date of the enactment of this Act unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 504. LAND CONVEYANCES.

(a) OAKLAND INNER HARBOR TIDAL CANAL PROPERTY, CALIFORNIA.—Section 205 of the Water Resources Development Act of 1990 (104 Stat. 4633) is amended—

(1) by inserting after paragraph (2) the following new paragraph:

"(3) To adjacent land owners, the United States title to all or portions of that part of the Oakland Inner Harbor Tidal Canal which are located within the boundaries of the city in which such land rests. Such conveyance shall be at fair market value.";

(2) by inserting after "right-of-way" the following: "or other rights deemed necessary by the Secretary"; and

(3) by adding at the end the following: "The conveyances and processes involved will be at no cost to the United States.".

(b) MARIEMONT, OHIO.—

(1) IN GENERAL.—The Secretary shall convey to the village of Mariemont, Ohio, for a sum of $85,000 all right, title, and interest of the United States in and to a parcel of land (including improvements thereto) under the jurisdiction of the Corps of Engineers and known as the "Ohio River Division Laboratory", as such parcel is described in paragraph (4).

(2) TERMS AND CONDITIONS.—The conveyance under paragraph (1) shall be subject to such terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(3) PROCEEDS.—All proceeds from the conveyance under paragraph (1) shall be deposited in the general fund of the Treasury of the United States and credited as miscellaneous receipts.

(4) PROPERTY DESCRIPTION.—The parcel of land referred to in paragraph (1) is the parcel situated in the State of Ohio, County of Hamilton, Township 4, Fractional Range 2, Miami Purchase, Columbia Township, Section 15, being parts of Lots 5 and 6 of the subdivision of the dower tract of the estate of Joseph Ferris as recorded in Plat Book 4, Page 112, of the Plat Records of Hamilton County, Ohio, Recorder's Office, and more particularly described as follows:

Beginning at an iron pin set to mark the intersection of the easterly line of Lot 5 of said subdivision of said dower tract with the northerly line of the right-of-way of the Norfolk and Western Railway Company as shown in Plat Book 27, Page 182, Hamilton County, Ohio, Surveyor's Office, thence with said northerly right-of-way line;

South 70 degrees 10 minutes 13 seconds west 258.52 feet to a point; thence leaving the northerly right-of-way of the Norfolk and Western Railway Company;

North 18 degrees 22 minutes 02 seconds west 302.31 feet to a point in the south line of Mariemont Avenue; thence along said south line;

North 72 degrees 34 minutes 35 seconds east 167.50 feet to a point; thence leaving the south line of Mariemont Avenue;

North 17 degrees 25 minutes 25 seconds west 49.00 feet to a point; thence

North 72 degrees 34 minutes 35 seconds east 100.00 feet to a point; thence

South 17 degrees 25 minutes 25 seconds east 49.00 feet to a point; thence

North 72 degrees 34 minutes 35 seconds east 238.90 feet to a point; thence

South 00 degrees 52 minutes 07 seconds east 297.02 feet to a point in the northerly line of the Norfolk and Western Railway Company; thence with said northerly right-of-way;

South 70 degrees 10 minutes 13 seconds west 159.63 feet to a point of beginning, containing 3.22 acres, more or less.

(c) EUFAULA LAKE, OKLAHOMA.—

(1) IN GENERAL.—The Secretary shall convey to the city of Eufaula, Oklahoma, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 12.5 acres located at the Eufaula Lake project.

(2) CONSIDERATION.—Consideration for the conveyance under paragraph (1) shall be the fair market value of the parcel (as determined by the Secretary) and payment of all costs of the United States in making the conveyance, including the costs of—

(A) the survey required under paragraph (4);

(B) any other necessary survey or survey monumentation;

(C) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(D) any coordination necessary with respect to requirements relating to endangered species, cultural resources, and clean air (including the costs of agency consultation and public hearings).

(3) LAND SURVEYS.—The exact acreage and description of the parcel to be conveyed under paragraph (1) shall be determined by such surveys as the Secretary considers necessary, which shall be carried out to the satisfaction of the Secretary.

(4) ENVIRONMENTAL BASELINE SURVEY.—Prior to making the conveyance under paragraph (1), the Secretary shall conduct an environmental baseline survey to determine the levels of any contamination (as of the date of the survey) for which the United States would be responsible under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and any other applicable law.

(5) CONDITIONS CONCERNING RIGHTS AND EASEMENT.—The conveyance under paragraph (1) shall be subject to existing rights and to retention by the United States of a flowage easement over all portions of the parcel that lie at or below the flowage easement contour for the Eufaula Lake project.

(6) OTHER TERMS AND CONDITIONS.—The conveyance under paragraph (1) shall be subject to such other terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(d) BOARDMAN, OREGON.—

(1) IN GENERAL.—The Secretary shall convey to the city of Boardman, Oregon, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 141 acres acquired as part of the John Day Lock and Dam project in the vicinity of such city currently under lease to the Boardman Park and Recreation District.

(2) CONSIDERATION.—

(A) PARK AND RECREATION PROPERTIES.—Properties to be conveyed under this subsection that will be retained in public ownership and used for public park and recreation purposes shall be conveyed without consideration. If any such property is no longer used for public park and recreation purposes, then title to such property shall revert to the Secretary.

(B) OTHER PROPERTIES.—Properties to be conveyed under this subsection and not described in subparagraph (A) shall be conveyed at fair market value.

(3) CONDITIONS CONCERNING RIGHTS AND EASEMENT.—The conveyance of properties under this subsection shall be subject to existing first rights of refusal regarding acquisition of such properties and to retention of a flowage easement over portions of the properties that the Secretary determines to be necessary for operation of the project.

(4) OTHER TERMS AND CONDITIONS.—The conveyance of properties under this subsection shall be subject to such other terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(e) TRI-CITIES AREA, WASHINGTON.—

(1) GENERAL AUTHORITY.—As soon as practicable after the date of the enactment of this Act, the Secretary shall make the conveyances to the local governments referred to in paragraph (2) of all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) PROPERTY DESCRIPTIONS.—

(A) BENTON COUNTY.—The property to be conveyed pursuant to paragraph (1) to Benton County, Washington, is the property in such county which is designated "Area D" on Exhibit A to Army Lease No. DACW-68-1-81-43.

(B) FRANKLIN COUNTY, WASHINGTON.—The property to be conveyed pursuant to paragraph (1) to Franklin County, Washington, is—

(i) the 105.01 acres of property leased pursuant to Army Lease No. DACW-68-1-77-20 as executed by Franklin County, Washington, on April 7, 1977;

(ii) the 35 acres of property leased pursuant to Supplemental Agreement No. 1 to Army Lease No. DACW-68-1-77-20;

(iii) the 20 acres of property commonly known as "Richland Bend" which is designated by the shaded portion of Lot 1, Section 11, and the shaded portion of Lot 1, Section 12, Township 9 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW-68-1-77-20;

(iv) the 7.05 acres of property commonly known as "Taylor Flat" which is designated by the shaded portion of Lot 1, Section 13, Township 11 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW-68-1-77-20;

(v) the 14.69 acres of property commonly known as "Byers Landing" which is designated by the shaded portion of Lots 2 and 3, Section 2, Township 10 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW-68-1-77-20; and

(vi) all levees within Franklin County, Washington, as of the date of the enactment of this Act, and the property upon which the levees are situated.

(C) CITY OF KENNEWICK, WASHINGTON.—The property to be conveyed pursuant to paragraph (1) to the city of Kennewick, Washington, is the property within the city which is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the cities of Kennewick and Richland, Washington.

(D) CITY OF RICHLAND, WASHINGTON.—The property to be conveyed pursuant to paragraph (1), to the city of Richland, Washington, is the property within the city which is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the Cities of Kennewick and Richland, Washington.

(E) CITY OF PASCO, WASHINGTON.—The property to be conveyed pursuant to paragraph (1), to the city of Pasco, Washington, is—

(i) the property within the city of Pasco, Washington, which is leased pursuant to Army Lease No. DACW-68-1-77-10; and

(ii) all levees within such city, as of the date of the enactment of this Act, and the property upon which the levees are situated.

(F) PORT OF PASCO, WASHINGTON.—The property to be conveyed pursuant to paragraph (1) to the Port of Pasco, Washington, is—

(i) the property owned by the United States which is south of the Burlington Northern Railroad tracks in Lots 1 and 2, Section 20, Township 9 North, Range 31 East, W.M.; and

(ii) the property owned by the United States which is south of the Burlington Northern Railroad tracks in Lots 1, 2, 3, and 4, in each of Sections 21, 22, and 23, Township 9 North, Range 31 East, W.M.

(G) ADDITIONAL PROPERTIES.—In addition to properties described in subparagraphs (A) through (F), the Secretary may convey to a local government referred to in subparagraphs (A) through (F) such properties under the jurisdiction of the Secretary in the Tri-Cities area as the Secretary and the local government agree are appropriate for conveyance.

(3) TERMS AND CONDITIONS.—

(A) IN GENERAL.—The conveyances under paragraph (1) shall be subject to such terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(B) SPECIAL RULES FOR FRANKLIN COUNTY.—The property described in paragraph (2)(B)(vi) shall be conveyed only after Franklin County, Washington, has entered into a written agreement with the Secretary which provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United States shall be provided all easements and rights necessary to carry out that agreement.

(C) SPECIAL RULE FOR CITY OF PASCO.—The property described in paragraph (2)(E)(ii) shall be conveyed only after the city of Pasco, Washington, has entered into a written agreement with the Secretary which provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United States shall be provided all easements and rights necessary to carry out that agreement.

(D) CONSIDERATION.—

(i) PARK AND RECREATION PROPERTIES.—Properties to be conveyed under this subsection that will be retained in public ownership and used for public park and recreation purposes shall be conveyed without consideration. If any such property is no longer used for public park and recreation purposes, then title to such property shall revert to the Secretary.

(ii) OTHER PROPERTIES.—Properties to be conveyed under this subsection and not described in clause (i) shall be conveyed at fair market value.

(4) LAKE WALLULA LEVEES.—

(A) DETERMINATION OF MINIMUM SAFE HEIGHT.—

(i) CONTRACT.—Within 30 days after the date of the enactment of this Act, the Secretary shall contract with a private entity agreed to under clause (ii) to determine, within 6 months after such date of enactment, the minimum safe height for the levees of the project for flood control, Lake Wallula, Washington. The Secretary shall have final approval of the minimum safe height.

(ii) AGREEMENT OF LOCAL OFFICIALS.—A contract shall be entered into under clause (i) only with a private entity agreed to by the Secretary, appropriate representatives of Franklin County, Washington, and appropriate representatives of the city of Pasco, Washington.

(B) AUTHORITY.—A local government may reduce, at its cost, the height of any levee of the project for flood control, Lake Wallula, Washington, within the boundaries of such local government to a height not lower than the minimum safe height determined pursuant to subparagraph (A).

(f) APPLICABILITY OF OTHER LAWS.—Any contract for sale, deed, or other transfer of real property under this section shall be carried out in compliance with all applicable provisions of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act and other environmental laws.

SEC. 505. NAMINGS.

(a) MILT BRANDT VISITORS CENTER, CALIFORNIA.—

(1) DESIGNATION.—The visitors center at Warm Springs Dam, California, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1192), shall be known and designated as the "Milt Brandt Visitors Center".

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the visitors center referred to in paragraph (1) shall be deemed to be a reference to the "Milt Brandt Visitors Center".

(b) CARR CREEK LAKE, KENTUCKY.—

(1) DESIGNATION.—Carr Fork Lake in Knott County, Kentucky, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188), shall be known and designated as the "Carr Creek Lake".

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lake referred to in paragraph (1) shall be deemed to be a reference to the "Carr Creek Lake".

(c) WILLIAM H. NATCHER BRIDGE, MACEO, KENTUCKY, AND ROCKPORT, INDIANA.—

(1) DESIGNATION.—The bridge on United States Route 231 which crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, shall be known and designated as the "William H. Natcher Bridge".

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the bridge referred to in paragraph (1) shall be deemed to be a reference to the "William H. Natcher Bridge".

(d) JOHN T. MYERS LOCK AND DAM, INDIANA AND KENTUCKY.—

(1) DESIGNATION.—Uniontown Lock and Dam, on the Ohio River, Indiana and Kentucky, shall be known and designated as the "John T. Myers Lock and Dam".

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) shall be deemed to be a reference to the "John T. Myers Lock and Dam".

(e) J. EDWARD ROUSH LAKE, INDIANA.—

(1) REDESIGNATION.—The lake on the Wabash River in Huntington and Wells Counties, Indiana, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 312), and known as Huntington Lake, shall be known and designated as the "J. Edward Roush Lake".

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lake referred to in paragraph (1) shall be deemed to be a reference to the "J. Edward Roush Lake".

(f) RUSSELL B. LONG LOCK AND DAM, RED RIVER WATERWAY, LOUISIANA.—

(1) DESIGNATION.—Lock and Dam 4 of the Red River Waterway, Louisiana, shall be known and designated as the "Russell B. Long Lock and Dam".

(2) LEGAL REFERENCES.—A reference in any law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) shall be deemed to be a reference to the "Russell B. Long Lock and Dam".

(g) WILLIAM L. JESS DAM AND INTAKE STRUCTURE, OREGON.—

(1) DESIGNATION.—The dam located at mile 153.6 on the Rogue River in Jackson County, Oregon, and commonly known as the Lost Creek Dam Lake Project, shall be known and designated as the "William L. Jess Dam and Intake Structure".

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the dam referred to in section 1 shall be deemed to be a reference to the "William L. Jess Dam and Intake Structure".

(h) ABERDEEN LOCK AND DAM, TENNESSEE-TOMBIGBEE WATERWAY.—

(1) DESIGNATION.—The lock and dam at Mile 358 of the Tennessee-Tombigbee Waterway is designated as the "Aberdeen Lock and Dam".

(2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) is deemed to be a reference to the "Aberdeen Lock and Dam".

(i) AMORY LOCK, TENNESSEE-TOMBIGBEE WATERWAY.—

(1) DESIGNATION.—Lock A at Mile 371 of the Tennessee-Tombigbee Waterway is designated as the "Amory Lock".

(2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock referred to in paragraph (1) is deemed to be a reference to the "Amory Lock".

(j) FULTON LOCK, TENNESSEE-TOMBIGBEE WATERWAY.—

(1) DESIGNATION.—Lock C at Mile 391 of the Tennessee-Tombigbee Waterway is designated as the "Fulton Lock".

(2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock referred to in paragraph (1) is deemed to be a reference to the "Fulton Lock".

(k) HOWELL HEFLIN LOCK AND DAM, TENNESSEE-TOMBIGBEE WATERWAY.—

(1) REDESIGNATION.—The lock and dam at Mile 266 of the Tennessee-Tombigbee Waterway, known as the Gainesville Lock and Dam, is redesignated as the "Howell Heflin Lock and Dam".

(2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) is deemed to be a reference to the "Howell Heflin Lock and Dam".

(l) G.V. "SONNY" MONTGOMERY LOCK, TENNESSEE-TOMBIGBEE WATERWAY.—

(1) DESIGNATION.—Lock E at Mile 407 of the Tennessee-Tombigbee Waterway is designated as the "G.V. 'Sonny' Montgomery Lock".

(2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock referred to in paragraph (1) is deemed to be a reference to the "G.V. 'Sonny' Montgomery Lock".

(m) JOHN RANKIN LOCK, TENNESSEE-TOMBIGBEE WATERWAY.—

(1) DESIGNATION.—Lock D at Mile 398 of the Tennessee-Tombigbee Waterway is designated as the "John Rankin Lock".

(2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock referred to in paragraph (1) is deemed to be a reference to the "John Rankin Lock".

(n) JOHN C. STENNIS LOCK AND DAM, TENNESSEE-TOMBIGBEE WATERWAY.—

(1) REDESIGNATION.—The lock and dam at Mile 335 of the Tennessee-Tombigbee Waterway, known as the Columbus Lock and Dam, is redesignated as the "John C. Stennis Lock and Dam".

(2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) is deemed to be a reference to the "John C. Stennis Lock and Dam".

(o) JAMIE WHITTEN LOCK AND DAM, TENNESSEE-TOMBIGBEE WATERWAY.—

(1) REDESIGNATION.—The lock and dam at Mile 412 of the Tennessee-Tombigbee Waterway, known as the Bay Springs Lock and Dam, is redesignated as the "Jamie Whitten Lock and Dam".

(2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) is deemed to be a reference to the "Jamie Whitten Lock and Dam".

(p) GLOVER WILKINS LOCK, TENNESSEE-TOMBIGBEE WATERWAY.—

(1) DESIGNATION.—Lock B at Mile 376 of the Tennessee-Tombigbee Waterway is designated as the "Glover Wilkins Lock".

(2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record to the lock referred to in paragraph (1) is deemed to be a reference to the "Glover Wilkins Lock".

SEC. 506. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary is authorized to provide technical, planning, and design assistance to non-Federal interests for carrying out watershed management, restoration, and development projects at the locations described in subsection (d).

(b) SPECIFIC MEASURES.—Assistance provided pursuant to subsection (a) may be in support of non-Federal projects for the following purposes:

(1) Management and restoration of water quality.

(2) Control and remediation of toxic sediments.

(3) Restoration of degraded streams, rivers, wetlands, and other waterbodies to their natural condition as a means to control flooding, excessive erosion, and sedimentation.

(4) Protection and restoration of watersheds, including urban watersheds.

(5) Demonstration of technologies for nonstructural measures to reduce destructive impact of flooding.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of assistance provided under this section shall be 50 percent.

(d) PROJECT LOCATIONS.—The Secretary may provide assistance under subsection (a) for projects at the following locations:

(1) Gila River and Tributaries, Santa Cruz River, Arizona.

(2) Rio Salado, Salt River, Phoenix and Tempe, Arizona.

(3) Colusa basin, California.

(4) Los Angeles River watershed, California.

(5) Russian River watershed, California.

(6) Sacramento River watershed, California.

(7) San Pablo Bay watershed, California.

(8) Nancy Creek, Utoy Creek, and North Peachtree Creek and South Peachtree Creek basin, Georgia.

(9) Lower Platte River watershed, Nebraska.

(10) Juniata River watershed, Pennsylvania, including Raystown Lake.

(11) Upper Potomac River watershed, Grant and Mineral Counties, West Virginia.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal years beginning after September 30, 1996.

SEC. 507. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148–4149) is amended—

(1) by striking "and" at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting a semicolon; and

(3) by adding at the end the following:

"(12) Goodyear Lake, Otsego County, New York, removal of silt and aquatic growth;

"(13) Otsego Lake, Otsego County, New York, removal of silt and aquatic growth and measures to address high nutrient concentration;

"(14) Oneida Lake, Oneida County, New York, removal of silt and aquatic growth;

"(15) Skaneateles and Owasco Lakes, New York, removal of silt and aquatic growth and prevention of sediment deposit; and

"(16) Twin Lakes, Paris, Illinois, removal of silt and excess aquatic vegetation, including measures to address excessive sedimentation, high nutrient concentration, and shoreline erosion.".

SEC. 508. MAINTENANCE OF NAVIGATION CHANNELS.

(a) IN GENERAL.—Upon request of the non-Federal interest, the Secretary shall be responsible for maintenance of the following navigation channels constructed or improved by non-Federal interests if the Secretary determines that such maintenance is economically justified and environmentally acceptable and that the channel was constructed in accordance with applicable permits and appropriate engineering and design standards:

(1) Humboldt Harbor and Bay, Fields Landing Channel, California.

(2) Mare Island Strait, California; except that, for purposes of this section, the navigation channel shall be deemed to have been constructed or improved by non-Federal interests.

(3) Mississippi River Ship Channel, Chalmette Slip, Louisiana.

(4) Greenville Inner Harbor Channel, Mississippi.

(5) Providence Harbor Shipping Channel, Rhode Island.

(6) Matagorda Ship Channel, Point Comfort Turning Basin, Texas.

(7) Corpus Christi Ship Channel, Rincon Canal System, Texas.

(8) Brazos Island Harbor, Texas, connecting channel to Mexico.

(9) Blair Waterway, Tacoma Harbor, Washington.

(b) COMPLETION OF ASSESSMENT.—Within 6 months of receipt of a request from the non-Federal interest for Federal assumption of maintenance of a channel listed in subsection (a), the Secretary shall make a determination as provided in subsection (a) and advise the non-Federal interest of the Secretary's determination.

SEC. 509. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401 of the Water Resources Development Act of 1990 (104 Stat. 4644) is amended to read as follows:

"SEC. 401. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

"(a) GREAT LAKES REMEDIAL ACTION PLANS.—

"(1) IN GENERAL.—The Secretary is authorized to provide technical, planning, and engineering assistance to State and local governments and nongovernmental entities designated by the State or local government in

the development and implementation of remedial action plans for areas of concern in the Great Lakes identified under the Great Lakes Water Quality Agreement of 1978.

"(2) NON-FEDERAL SHARE.—Non-Federal interests shall contribute, in cash or by providing in-kind contributions, 50 percent of costs of activities for which assistance is provided under paragraph (1).

"(b) SEDIMENT REMEDIATION DEMONSTRATION PROJECTS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency (acting through the Great Lakes National Program Office), may conduct pilot- and full-scale demonstration projects of promising techniques to remediate contaminated sediments in freshwater coastal regions in the Great Lakes basin. The Secretary must conduct no fewer than 3 full-scale demonstration projects under this subsection.

"(2) SITE SELECTION FOR DEMONSTRATION PROJECTS.—In selecting the sites for the technology demonstration projects, the Secretary shall give priority consideration to Saginaw Bay, Michigan, Sheboygan Harbor, Wisconsin, Grand Calumet River, Indiana, Ashtabula River, Ohio, Buffalo River, New York, and Duluth/Superior Harbor, Minnesota.

"(3) DEADLINE FOR IDENTIFICATIONS.—Within 18 months after the date of the enactment of this subsection, the Secretary shall identify the sites and technologies to be demonstrated and complete each such full-scale demonstration project within 3 years after such date of enactment.

"(4) NON-FEDERAL SHARE.—Non-Federal interests shall contribute 50 percent of costs of projects under this subsection. Such costs may be paid in cash or by providing in-kind contributions.

"(5) AUTHORIZATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $5,000,000 for each of fiscal years 1997 through 2000.".

SEC. 510. GREAT LAKES DREDGED MATERIAL TESTING AND EVALUATION MANUAL.

The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, shall provide technical assistance to non-Federal interests on testing procedures contained in the Great Lakes Dredged Material Testing and Evaluation Manual developed pursuant to section 230.2(c) of title 40, Code of Federal Regulations.

SEC. 511. GREAT LAKES SEDIMENT REDUCTION.

(a) GREAT LAKES TRIBUTARY SEDIMENT TRANSPORT MODEL.—For each major river system or set of major river systems depositing sediment into a Great Lakes federally authorized commercial harbor, channel maintenance project site, or Area of Concern identified under the Great Lakes Water Quality Agreement of 1978, the Secretary, in consultation and coordination with the Great Lakes States, shall develop a tributary sediment transport model.

(b) REQUIREMENTS FOR MODELS.—In developing a tributary sediment transport model under this section, the Secretary shall—

(1) build upon data and monitoring information generated in earlier studies and programs of the Great Lakes and their tributaries; and

(2) complete models for 30 major river systems, either individually or in combination as part of a set, within the 5-year period beginning on the date of the enactment of this Act.

SEC. 512. GREAT LAKES CONFINED DISPOSAL FACILITIES.

(a) ASSESSMENT.—The Secretary shall conduct an assessment of the general conditions of confined disposal facilities in the Great Lakes.

(b) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the assessment conducted under subsection (a), including the following:

(1) A description of the cumulative effects of confined disposal facilities in the Great Lakes.

(2) Recommendations for specific remediation actions for each confined disposal facility in the Great Lakes.

(3) An evaluation of, and recommendations for, confined disposal facility management practices and technologies to conserve capacity at such facilities and to minimize adverse environmental effects at such facilities throughout the Great Lakes system.

SEC. 513. CHESAPEAKE BAY RESTORATION AND PROTECTION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a pilot program to provide to non-Federal interests in the Chesapeake Bay watershed technical, planning, design, and construction assistance for water-related environmental infrastructure and resource protection and development projects affecting the Chesapeake Bay, including projects for sediment and erosion control, protection of eroding shorelines, protection of essential public works, wastewater treatment and related facilities, water supply and related facilities, and beneficial uses of dredged material, and other related projects.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned and will be publicly operated and maintained.

(c) COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement pursuant to section 221 of the Flood Control Act of 1970 (84 Stat. 1818) with a non-Federal interest to provide for technical, planning, design, and construction assistance for the project.

(2) REQUIREMENTS.—Each agreement entered into pursuant to this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal, State, and local officials, of a plan, including appropriate engineering plans and specifications and an estimate of expected benefits.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(d) COST SHARING.—

(1) FEDERAL SHARE.—Except as provided in paragraph (2)(B), the Federal share of the total project costs of each local cooperation agreement entered into under this section shall be 75 percent.

(2) NON-FEDERAL SHARE.—

(A) PROVISION OF LANDS, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—The non-Federal interests for a project to which this section applies shall provide the lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for the project.

(B) VALUE OF LANDS, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—In determining the non-Federal contribution toward carrying out a local cooperation agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest for the value of lands, easements, rights-of-way, relocations, and dredged material disposal areas provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of total project costs.

(C) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the costs of operation and maintenance of carrying out the agreement under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS AND AGREEMENTS.—

(1) IN GENERAL.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project carried out with assistance provided under this section.

(2) COOPERATION.—In carrying out this section, the Secretary shall cooperate with the heads of appropriate Federal agencies.

(f) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with a recommendation concerning whether or not the program should be implemented on a national basis.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000.

SEC. 514. EXTENSION OF JURISDICTION OF MISSISSIPPI RIVER COMMISSION.

The jurisdiction of the Mississippi River Commission, established by the first section of the Act of June 28, 1879 (33 U.S.C. 641; 21 Stat. 37), is extended to include—

(1) all of the area between the eastern side of the Bayou Lafourche Ridge from Donaldsonville, Louisiana, to the Gulf of Mexico and the west guide levee of the Mississippi River from Donaldsonville, Louisiana, to the Gulf of Mexico;

(2) Alexander County, Illinois; and

(3) the area in the State of Illinois from the confluence of the Mississippi and Ohio Rivers northward to the vicinity of Mississippi River mile 39.5, including the Len Small Drainage and Levee District, insofar as such area is affected by the flood waters of the Mississippi River.

SEC. 515. ALTERNATIVE TO ANNUAL PASSES.

(a) IN GENERAL.—The Secretary shall evaluate the feasibility of implementing an alternative to the $25 annual pass that the Secretary currently offers to users of recreation facilities at water resources projects of the Corps of Engineers.

(b) ANNUAL PASS.—The evaluation under subsection (a) shall include the establishment of an annual pass which costs $10 or less for the use of recreation facilities at Raystown Lake, Pennsylvania.

(c) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the project carried out under this section, together with recommendations concerning whether annual passes for individual projects should be offered on a nationwide basis.

SEC. 516. RECREATION PARTNERSHIP INITIATIVE.

(a) IN GENERAL.—The Secretary shall promote Federal, non-Federal, and private sector cooperation in creating public recreation opportunities and developing the necessary supporting infrastructure at water resources projects of the Corps of Engineers.

(b) INFRASTRUCTURE IMPROVEMENTS.—

(1) RECREATION INFRASTRUCTURE IMPROVEMENTS.—In demonstrating the feasibility of the public-private cooperative, the Secretary shall provide, at Federal expense, such infrastructure improvements as are necessary to

support a potential private recreational development at the Raystown Lake Project, Pennsylvania, generally in accordance with the Master Plan Update (1994) for the project.

(2) AGREEMENT.—The Secretary shall enter into an agreement with an appropriate non-Federal public entity to ensure that the infrastructure improvements constructed by the Secretary on non-project lands pursuant to paragraph (1) are transferred to and operated and maintained by the non-Federal public entity.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $4,500,000 for fiscal years beginning after September 30, 1996.

(c) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the cooperative efforts carried out under this section, including the improvements required by subsection (b).

SEC. 517. ENVIRONMENTAL INFRASTRUCTURE.

Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4836-4837) is amended by adding at the end the following new subsection:

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for providing construction assistance under this section—

"(1) $10,000,000 for the project described in subsection (c)(5);

"(2) $2,000,000 for the project described in subsection (c)(6);

"(3) $10,000,000 for the project described in subsection (c)(7);

"(4) $11,000,000 for the project described in subsection (c)(8);

"(5) $20,000,000 for the project described in subsection (c)(16); and

"(6) $20,000,000 for the project described in subsection (c)(17).".

SEC. 518. CORPS CAPABILITY TO CONSERVE FISH AND WILDLIFE.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b); 100 Stat. 4157) is amended—

(1) by striking "$5,000,000"; and inserting "$10,000,000"; and

(2) in paragraph (4) by inserting "and Virginia" after "Maryland".

SEC. 519. PERIODIC BEACH NOURISHMENT.

The Secretary shall carry out periodic beach nourishment for each of the following projects for a period of 50 years beginning on the date of initiation of construction of such project:

(1) BROWARD COUNTY, FLORIDA.—Project for shoreline protection, segments II and III, Broward County, Florida.

(2) FORT PIERCE, FLORIDA.—Project for shoreline protection, Fort Pierce, Florida.

(3) LEE COUNTY, FLORIDA.—Project for shoreline protection, Lee County, Captiva Island segment, Florida.

(4) PALM BEACH COUNTY, FLORIDA.—Project for shoreline protection, Jupiter/Carlin, Ocean Ridge, and Boca Raton North Beach segments, Palm Beach County, Florida.

(5) PANAMA CITY BEACHES, FLORIDA.—Project for shoreline protection, Panama City Beaches, Florida.

(6) TYBEE ISLAND, GEORGIA.—Project for beach erosion control, Tybee Island, Georgia.

SEC. 520. CONTROL OF AQUATIC PLANTS.

The Secretary shall carry out under section 104(b) of the River and Harbor Act of 1958 (33 U.S.C. 610(b))—

(1) a program to control aquatic plants in Lake St. Clair, Michigan; and

(2) program to control aquatic plants in the Schuylkill River, Philadelphia, Pennsylvania.

SEC. 521. HOPPER DREDGES.

Section 3 of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended by adding at the end the following:

"(c) PROGRAM TO INCREASE USE OF PRIVATE HOPPER DREDGES.—

"(1) INITIATION.—The Secretary shall initiate a program to increase the use of private industry hopper dredges for the construction and maintenance of Federal navigation channels.

"(2) READY RESERVE STATUS FOR HOPPER DREDGE WHEELER.—In order to carry out the requirements of this subsection, the Secretary shall, not later than the earlier of 90 days after the date of completion of the rehabilitation of the hopper dredge McFarland pursuant to section 564 of the Water Resources Development Act of 1996 or October 1, 1997, place the Federal hopper dredge Wheeler in a ready reserve status.

"(3) TESTING AND USE OF READY RESERVE HOPPER DREDGE.—The Secretary may periodically perform routine tests of the equipment of the vessel placed in a ready reserve status under this subsection to ensure the vessel's ability to perform emergency work. The Secretary shall not assign any scheduled hopper dredging work to such vessel but shall perform any repairs needed to maintain the vessel in a fully operational condition. The Secretary may place the vessel in active status in order to perform any dredging work only in the event the Secretary determines that private industry has failed to submit a responsive and responsible bid for work advertised by the Secretary or to carry out the project as required pursuant to a contract with the Secretary.

"(4) REPAIR AND REHABILITATION.—The Secretary may undertake any repair and rehabilitation of any Federal hopper dredge, including the vessel placed in ready reserve status under paragraph (2) to allow the vessel to be placed into active status as provided in paragraph (3).

"(5) PROCEDURES.—The Secretary shall develop and implement procedures to ensure that, to the maximum extent practicable, private industry hopper dredge capacity is available to meet both routine and time-sensitive dredging needs. Such procedures shall include—

"(A) scheduling of contract solicitations to effectively distribute dredging work throughout the dredging season; and

"(B) use of expedited contracting procedures to allow dredges performing routine work to be made available to meet time-sensitive, urgent, or emergency dredging needs.

"(6) REPORT.—Not later than 2 years after the date of the enactment of this subsection, the Secretary shall report to Congress on whether the vessel placed in ready reserve status pursuant to paragraph (2) is needed to be returned to active status or continued in a ready reserve status or whether another Federal hopper dredge should be placed in a ready reserve status.

"(7) LIMITATIONS.—

"(A) REDUCTIONS IN STATUS.—The Secretary may not further reduce the readiness status of any Federal hopper dredge below a ready reserve status except any vessel placed in such status for not less than 5 years which the Secretary determines has not been used sufficiently to justify retaining the vessel in such status.

"(B) INCREASE IN ASSIGNMENTS OF DREDGING WORK.—For each fiscal year beginning after the date of the enactment of this subsection, the Secretary shall not assign any greater quantity of dredging work to any Federal hopper dredge in an active status than was assigned to that vessel in the average of the 3 prior fiscal years.

"(8) CONTRACTS; PAYMENT OF CAPITAL COSTS.—The Secretary may enter into a contract for the maintenance and crewing of any vessel retained in a ready reserve status. The capital costs (including depreciation costs) of any vessel retained in such status shall be paid for out of funds made available from the Harbor Maintenance Trust Fund and shall not be charged against the Corps of Engineers' Revolving Fund Account or any individual project cost unless the vessel is specifically used in connection with that project.".

SEC. 522. DESIGN AND CONSTRUCTION ASSISTANCE.

The Secretary shall provide design and construction assistance to non-Federal interests for the following projects:

(1) Repair and rehabilitation of the Lower Girard Lake Dam, Girard, Ohio, at an estimated total cost of $2,500,000.

(2) Construction of a multi-purpose dam and reservoir, Bear Valley Dam, Franklin County, Pennsylvania, at an estimated total cost of $15,000,000.

(3) Repair and upgrade of the dam and appurtenant features at Lake Merriweather, Little Calfpasture River, Virginia, at an estimated total cost of $6,000,000.

SEC. 523. FIELD OFFICE HEADQUARTERS FACILITIES.

Subject to amounts being made available in advance in appropriations Acts, the Secretary may use Plant Replacement and Improvement Program funds to design and construct a new headquarters facility for—

(1) the New England Division, Waltham, Massachusetts; and

(2) the Jacksonville District, Jacksonville, Florida.

SEC. 524. CORPS OF ENGINEERS RESTRUCTURING PLAN.

(a) DIVISION OFFICE, CHICAGO, ILLINOIS.—The Secretary shall continue to maintain a division office of the Corps of Engineers in Chicago, Illinois, notwithstanding any plan developed pursuant to title I of the Energy and Water Development Appropriations Act, 1996 (109 Stat. 405) to reduce the number of division offices. Such division office shall be responsible for the 5 district offices for which the division office was responsible on June 1, 1996.

(b) DISTRICT OFFICE, ST. LOUIS, MISSOURI.—The Secretary shall not reassign the St. Louis District of the Corps of Engineers from the operational control of the Lower Mississippi Valley Division.

SEC. 525. LAKE SUPERIOR CENTER.

(a) CONSTRUCTION.—The Secretary, shall assist the Minnesota Lake Superior Center authority in the construction of an educational facility to be used in connection with efforts to educate the public in the economic, recreational, biological, aesthetic, and spiritual worth of Lake Superior and other large bodies of fresh water.

(b) PUBLIC OWNERSHIP.—Prior to providing any assistance under subsection (a), the Secretary shall verify that the facility to be constructed under subsection (a) will be owned by the public authority established by the State of Minnesota to develop, operate, and maintain the Lake Superior Center.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years beginning after September 30, 1996, $10,000,000 for the construction of the facility under subsection (a).

SEC. 526. JACKSON COUNTY, ALABAMA.

The Secretary shall provide technical, planning, and design assistance to non-Federal interests for wastewater treatment and

related facilities, remediation of point and nonpoint sources of pollution and contaminated riverbed sediments, and related activities in Jackson County, Alabama, including the city of Stevenson. The Federal cost of such assistance may not exceed $5,000,000.

SEC. 527. EARTHQUAKE PREPAREDNESS CENTER OF EXPERTISE EXTENSION.

The Secretary shall establish an extension of the Earthquake Preparedness Center of Expertise for the central United States at an existing district office of the Corps of Engineers near the New Madrid fault.

SEC. 528. QUARANTINE FACILITY.

Section 108(c) of the Water Resources Development Act of 1992 (106 Stat. 4816) is amended by striking "$1,000,000" and inserting "$4,000,000".

SEC. 529. BENTON AND WASHINGTON COUNTIES, ARKANSAS.

Section 220 of the Water Resources Development Act of 1992 (106 Stat. 4836-4837) is amended by adding at the end the following new subsection:

"(c) USE OF FEDERAL FUNDS.—The Secretary may make available to the non-Federal interests funds not to exceed an amount equal to the Federal share of the total project cost to be used by the non-Federal interests to undertake the work directly or by contract.".

SEC. 530. CALAVERAS COUNTY, CALIFORNIA.

(a) COOPERATION AGREEMENTS.—The Secretary shall enter into cooperation agreements with non-Federal interests to develop and carry out, in cooperation with Federal and State agencies, reclamation and protection projects for the purpose of abating and mitigating surface water quality degradation caused by abandoned mines in the watershed of the lower Mokelume River in Calaveras County, California.

(b) CONSULTATION WITH FEDERAL ENTITIES.—Any project under subsection (a) that is located on lands owned by the United States shall be undertaken in consultation with the Federal entity with administrative jurisdiction over such lands.

(c) FEDERAL SHARE.—The Federal share of the cost of the activities conducted under cooperation agreements entered into under subsection (a) shall be 75 percent; except that, with respect to projects located on lands owned by the United States, the Federal share shall be 100 percent. The non-Federal share of project costs may be provided in the form of design and construction services. Non-Federal interests shall receive credit for the reasonable costs of such services completed by such interests prior to entering an agreement with the Secretary for a project.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for projects undertaken under this section.

SEC. 531. FARMINGTON DAM, CALIFORNIA.

(a) CONJUNCTIVE USE STUDY.—The Secretary is directed to continue participation in the Stockton, California Metropolitan Area Flood Control study to include the evaluation of the feasibility of storage of water at Farmington Dam to implement a conjunctive use plan. In conducting the study, the Secretary shall consult with the Stockton East Water District concerning joint operation or potential transfer of Farmington Dam. The Secretary shall make recommendations on facility transfers and operational alternatives as part of the Secretary's report to Congress.

(b) REPORT.—The Secretary shall report to Congress, no later than 1 year after the date of the enactment of this Act, on the feasibility of a conjunctive use plan using Farmington Dam for water storage.

SEC. 532. LOS ANGELES COUNTY DRAINAGE AREA, CALIFORNIA.

The non-Federal share for a project to add water conservation to the existing Los Angeles County Drainage Area, California, project shall be 100 percent of separable first costs and separable operation, maintenance, and replacement costs associated with the water conservation purpose.

SEC. 533. PRADO DAM SAFETY IMPROVEMENTS, CALIFORNIA.

The Secretary, in coordination with the State of California, shall provide technical assistance to Orange County, California, in developing appropriate public safety and access improvements associated with that portion of California State Route 71 being relocated for the Prado Dam feature of the project authorized as part of the project for flood control, Santa Ana River Mainstem, California, by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113).

SEC. 534. SEVEN OAKS DAM, CALIFORNIA.

The non-Federal share for a project to add water conservation to the Seven Oaks Dam, Santa Ana River Mainstem, California, project shall be 100 percent of separable first costs and separable operation, maintenance, and replacement costs associated with the water conservation purpose.

SEC. 535. MANATEE COUNTY, FLORIDA.

The project for flood control, Cedar Hammock (Wares Creek), Florida, is authorized to be carried out by the Secretary substantially in accordance with the Final Detailed Project Report and Environmental Assessment, dated April 1995, at a total cost of $13,846,000, with an estimated first Federal cost of $8,783,000 and an estimated non-Federal cost of $5,063,000.

SEC. 536. TAMPA, FLORIDA.

The Secretary may enter into a cooperative agreement under section 230 of this Act with the Museum of Science and Industry, Tampa, Florida, to provide technical, planning, and design assistance to demonstrate the water quality functions found in wetlands, at an estimated total Federal cost of $500,000.

SEC. 537. WATERSHED MANAGEMENT PLAN FOR DEEP RIVER BASIN, INDIANA.

(a) DEVELOPMENT.—The Secretary, in consultation with the Natural Resources Conservation Service of the Department of Agriculture, shall develop a watershed management plan for the Deep River Basin, Indiana, which includes Deep River, Lake George, Turkey Creek, and other related tributaries in Indiana.

(b) CONTENTS.—The plan to be developed by the Secretary under subsection (a) shall address specific concerns related to the Deep River Basin area, including sediment flow into Deep River, Turkey Creek, and other tributaries; control of sediment quality in Lake George; flooding problems; the safety of the Lake George Dam; and watershed management.

SEC. 538. SOUTHERN AND EASTERN KENTUCKY.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program for providing environmental assistance to non-Federal interests in southern and eastern Kentucky. Such assistance may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in southern and eastern Kentucky, including projects for wastewater treatment and related facilities, water supply, storage, treatment, and distribution facilities, and surface water resource protection and development.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(c) PROJECT COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with such assistance.

(2) REQUIREMENTS.—Each agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities development plan or resource protection plan, including appropriate plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of each such legal and institutional structures as are necessary to assure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—Total project costs under each agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal, except that the non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest before entry into the agreement with the Secretary. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR CERTAIN FINANCING COSTS.—In the event of delays in the reimbursement of the non-Federal share of a project, the non-Federal interest shall receive credit for reasonable interest and other associated financing costs necessary for such non-Federal interest to provide the non-Federal share of the project's cost.

(C) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations provided by the non-Federal interest toward its share of project costs, including for costs associated with obtaining permits necessary for the placement of such project on publicly owned or controlled lands, but not to exceed 25 percent of total project costs.

(D) OPERATION AND MAINTENANCE.—Operation and maintenance costs shall be 100 percent non-Federal.

(d) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law which would otherwise apply to a project to be carried out with assistance provided under this section.

(e) REPORT.—Not later than December 31, 1999, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(f) SOUTHERN AND EASTERN KENTUCKY DEFINED.—For purposes of this section, the term "southern and eastern Kentucky" means Morgan, Floyd, Pulaski, Wayne, Laurel, Knox, Pike, Menifee, Perry, Harlan, Breathitt, Martin, Jackson, Wolfe, Clay, Magoffin, Owsley, Johnson, Leslie, Lawrence, Knott, Bell, McCreary, Rockcastle, Whitley, Lee, and Letcher Counties, Kentucky.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 539. LOUISIANA COASTAL WETLANDS RESTORATION PROJECTS.

Section 303(f) of the Coastal Wetlands Planning, Protection and Restoration Act (16 U.S.C. 3952(f); 104 Stat. 4782–4783) is amended—

(1) in paragraph (4) by striking "and (3)" and inserting "(3), and (5)"; and

(2) by adding at the end the following:

"(5) FEDERAL SHARE IN CALENDAR YEARS 1996 AND 1997.—Notwithstanding paragraphs (1) and (2), amounts made available in accordance with section 306 of this title to carry out coastal wetlands restoration projects under this section in calendar years 1996 and 1997 shall provide 90 percent of the cost of such projects.".

SEC. 540. SOUTHEAST LOUISIANA.

(a) FLOOD CONTROL.—The Secretary is directed to proceed with engineering, design, and construction of projects to provide for flood control and improvements to rainfall drainage systems in Jefferson, Orleans, and St. Tammany Parishes, Louisiana, in accordance with the following reports of the New Orleans District Engineer: Jefferson and Orleans Parishes, Louisiana, Urban Flood Control and Water Quality Management, July 1992; Tangipahoa, Techefuncte, and Tickfaw Rivers, Louisiana, June 1991; St. Tammany Parish, Louisiana, July 1996; and Schneider Canal, Slidell, Louisiana, Hurricane Protection, May 1990.

(b) COST SHARING.—The cost of any work performed by the non-Federal interests subsequent to the reports referred to in subsection (a) and determined by the Secretary to be a compatible and integral part of the projects shall be credited toward the non-Federal share of the projects.

(c) FUNDING.—There is authorized to be appropriated $100,000,000 for the initiation and partial accomplishment of projects described in the reports referred to in subsection (a).

SEC. 541. RESTORATION PROJECTS FOR MARYLAND, PENNSYLVANIA, AND WEST VIRGINIA.

(a) IN GENERAL.—

(1) COOPERATION AGREEMENTS.—The Secretary shall enter into cooperation agreements with non-Federal interests to develop and carry out, in cooperation with Federal and State agencies, reclamation and protection projects for the purpose of abating and mitigating surface water quality degradation caused by abandoned mines along—

(A) the North Branch of the Potomac River, Maryland, Pennsylvania, and West Virginia; and

(B) the New River, West Virginia, watershed.

(2) ADDITIONAL MEASURES.—Projects under paragraph (1) may also include measures for the abatement and mitigation of surface water quality degradation caused by the lack of sanitary wastewater treatment facilities or the need to enhance such facilities.

(3) CONSULTATION WITH FEDERAL ENTITIES.—Any project under paragraph (1) that is located on lands owned by the United States shall be undertaken in consultation with the Federal entity with administrative jurisdiction over such lands.

(b) FEDERAL SHARE.—The Federal share of the cost of the activities conducted under cooperation agreements entered into under subsection (a)(1) shall be 75 percent; except that, with respect to projects located on lands owned by the United States, the Federal share shall be 100 percent. The non-Federal share of project costs may be provided in the form of design and construction services. Non-Federal interests shall receive credit for the reasonable costs of such services completed by such interests prior to entering an agreement with the Secretary for a project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for projects undertaken under subsection (a)(1)(A) and $5,000,000 for projects undertaken under subsection (a)(1)(B).

SEC. 542. CUMBERLAND, MARYLAND.

The Secretary is directed to provide technical, planning, and design assistance to State, local, and other Federal entities for the restoration of the Chesapeake and Ohio Canal, in the vicinity of Cumberland, Maryland.

SEC. 543. BENEFICIAL USE OF DREDGED MATERIAL, POPLAR ISLAND, MARYLAND.

The Secretary shall carry out a project for the beneficial use of dredged material at Poplar Island, Maryland, pursuant to section 204 of the Water Resources Development Act of 1992; except that, notwithstanding the limitation contained in subsection (e) of such section, the initial cost of constructing dikes for the project shall be $78,000,000, with an estimated Federal cost of $58,500,000 and an estimated non-Federal cost of $19,500,000.

SEC. 544. EROSION CONTROL MEASURES, SMITH ISLAND, MARYLAND.

(a) IN GENERAL.—The Secretary shall implement erosion control measures in the vicinity of Rhodes Point, Smith Island, Maryland, at an estimated total Federal cost of $450,000.

(b) IMPLEMENTATION ON EMERGENCY BASIS.—The project under subsection (a) shall be carried out on an emergency basis in view of the national, historic, and cultural value of the island and in order to protect the Federal investment in infrastructure facilities.

(c) COST SHARING.—Cost sharing applicable to hurricane and storm damage reduction shall be applicable to the project to be carried out under subsection (a).

SEC. 545. DULUTH, MINNESOTA, ALTERNATIVE TECHNOLOGY PROJECT.

(a) PROJECT AUTHORIZATION.—The Secretary shall develop and implement alternative methods for decontamination and disposal of contaminated dredged material at the Port of Duluth, Minnesota.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years beginning after September 30, 1996, to carry out this section $1,000,000. Such sums shall remain available until expended.

SEC. 546. REDWOOD RIVER BASIN, MINNESOTA.

(a) STUDY AND STRATEGY DEVELOPMENT.—The Secretary, in cooperation with the Secretary of Agriculture and the State of Minnesota, shall conduct a study, and develop a strategy, for using wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damages, improve water quality, and create wildlife habitat in the Redwood River basin and the subbasins draining into the Minnesota River, at an estimated Federal cost of $4,000,000.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of the study and development of the strategy shall be 25 percent and may be provided through in-kind services and materials.

(c) COOPERATION AGREEMENT.—In conducting the study and developing the strategy under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies, including activities for the implementation of wetland restoration projects and soil and water conservation measures.

(d) IMPLEMENTATION.—The Secretary shall undertake development and implementation of the strategy authorized by this section in cooperation with local landowners and local government officials.

SEC. 547. NATCHEZ BLUFFS, MISSISSIPPI.

(a) IN GENERAL.—The Secretary shall carry out the project for bluff stabilization, Natchez Bluffs, Natchez, Mississippi, substantially in accordance with (1) the Natchez Bluffs Study, dated September 1985, (2) the Natchez Bluffs Study: Supplement I, dated June 1990, and (3) the Natchez Bluffs Study: Supplement II, dated December 1993, in the portions of the bluffs described in subsection (b), at a total cost of $17,200,000, with an estimated Federal cost of $12,900,000 and an estimated non-Federal cost of $4,300,000.

(b) DESCRIPTION OF PROJECT LOCATION.—The portions of the Natchez Bluffs where the project is to be carried out under subsection (a) are described in the studies referred to in subsection (a) as—

(1) Clifton Avenue, area 3;

(2) the bluff above Silver Street, area 6;

(3) the bluff above Natchez Under-the-Hill, area 7; and

(4) Madison Street to State Street, area 4.

SEC. 548. SARDIS LAKE, MISSISSIPPI.

(a) MANAGEMENT.—The Secretary shall work cooperatively with the State of Mississippi and the city of Sardis, Mississippi, to the maximum extent practicable, in the management of existing and proposed leases of land consistent with the Sardis Lake Recreation and Tourism Master Plan prepared by the city for the economic development of the Sardis Lake area.

(b) FLOOD CONTROL STORAGE.—The Secretary shall review the study conducted by the city of Sardis, Mississippi, regarding the impact of the Sardis Lake Recreation and Tourism Master Plan prepared by the city on flood control storage in Sardis Lake. The city shall not be required to reimburse the Secretary for the cost of such storage, or the cost of the Secretary's review, if the Secretary finds that the loss of flood control storage resulting from implementation of the master plan is not significant.

SEC. 549. MISSOURI RIVER MANAGEMENT.

(a) NAVIGATION SEASON EXTENSION.—

(1) INCREASES.—The Secretary, working with the Secretary of Agriculture and the Secretary of the Interior, shall incrementally increase the length of each navigation season for the Missouri River by 15 days from the length of the previous navigation season and those seasons thereafter, until such time as the navigation season for the Missouri River is increased by 1 month from the length of the navigation season on April 1, 1996.

(2) APPLICATION OF INCREASES.—Increases in the length of the navigation season under paragraph (1) shall be applied in calendar year 1996 so that the navigation season in such calendar year for the Missouri River begins on April 1, 1996, and ends on December 15, 1996.

(3) ADJUSTMENT OF NAVIGATION LEVELS.—Scheduled full navigation levels shall be incrementally increased to coincide with increases in the navigation season under paragraph (1).

(b) WATER CONTROL POLICIES AFFECTING NAVIGATION CHANNELS.—The Secretary may not take any action which is inconsistent with a water control policy of the Corps of Engineers in effect on January 1, 1995, if such action would result in—

(1) a reduction of 10 days or more in the total number of days in a year during which vessels are able to use navigation channels; or

(2) a substantial increase in flood damage to lands adjacent to a navigation channel, unless such action is specifically authorized by a law enacted after the date of the enactment of this Act.

(c) ECONOMIC AND ENVIRONMENTAL IMPACT EVALUATION.—Whenever a Federal department, agency, or instrumentality conducts an environmental impact statement with respect to management of the Missouri River system, the head of such department, agency, or instrumentality shall also conduct a cost benefit analysis on any changes proposed in the management of the Missouri River.

SEC. 550. ST. CHARLES COUNTY, MISSOURI, FLOOD PROTECTION.

(a) IN GENERAL.—Notwithstanding any other provision of law or regulation, no county located at the confluence of the Missouri and Mississippi Rivers or community located in any county located at the confluence of the Missouri and Mississippi Rivers shall have its participation in any Federal program suspended, revoked, or otherwise affected solely due to that county or community permitting the raising of levees by any public-sponsored levee district, along an alignment approved by the circuit court of such county, to a level sufficient to contain a 20-year flood.

(b) TREATMENT OF EXISTING PERMITS.—If any public-sponsored levee district has received a Federal permit valid during the Great Flood of 1993 to improve or modify its levee system before the date of the enactment of this Act, such permit shall be considered adequate to allow the raising of the height of levees in such system under subsection (a).

SEC. 551. DURHAM, NEW HAMPSHIRE.

The Secretary may enter into a cooperative agreement under section 230 of this Act with the University of New Hampshire to provide technical assistance for a water treatment technology center addressing the needs of small communities.

SEC. 552. HACKENSACK MEADOWLANDS AREA, NEW JERSEY.

Section 324(b)(1) of the Water Resources Development Act of 1992 (106 Stat. 4849) is amended to read as follows:

"(1) Mitigation, enhancement, and acquisition of significant wetlands that contribute to the Meadowlands ecosystem.".

SEC. 553. AUTHORIZATION OF DREDGE MATERIAL CONTAINMENT FACILITY FOR PORT OF NEW YORK/NEW JERSEY.

(a) IN GENERAL.—The Secretary is authorized to construct, operate, and maintain a dredged material containment facility with a capacity commensurate with the long-term dredged material disposal needs of port facilities under the jurisdiction of the Port of New York/New Jersey. Such facility may be a near-shore dredged material disposal facility along the Brooklyn waterfront. The costs associated with feasibility studies, design, engineering, and construction shall be shared with the local sponsor in accordance with the provisions of section 101 of the Water Resources Development Act of 1986.

(b) BENEFICIAL USE.—After the facility to be constructed under subsection (a) has been filled to capacity with dredged material, the Secretary shall maintain the facility for the public benefit.

SEC. 554. HUDSON RIVER HABITAT RESTORATION, NEW YORK.

(a) HABITAT RESTORATION PROJECT.—The Secretary shall expedite the feasibility study of the Hudson River Habitat Restoration, Hudson River Basin, New York, and shall carry out no fewer than 4 projects for habitat restoration, to the extent the Secretary determines such work to be technically feasible. Such projects shall be designed to—

(1) provide a pilot project to assess and improve habitat value and environmental outputs of recommended projects;

(2) provide a demonstration project to evaluate various restoration techniques for effectiveness and cost;

(3) fill an important local habitat need within a specific portion of the study area; and

(4) take advantage of ongoing or planned actions by other agencies, local municipalities, or environmental groups that would increase the effectiveness or decrease the overall cost of implementing one of the recommended restoration project sites.

(b) NON-FEDERAL SHARE.—Non-Federal interests shall provide 25 percent of the cost on each project undertaken under subsection (a). The non-Federal share may be in the form of cash or in-kind contributions.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $11,000,000.

SEC. 555. QUEENS COUNTY, NEW YORK.

(a) DESCRIPTION OF NONNAVIGABLE AREA.—Subject to subsections (b) and (c), the area of Long Island City, Queens County, New York, that—

(1) is not submerged;

(2) lies between the southerly high water line (as of the date of enactment of this Act) of Anable Basin (also known as the "11th Street Basin") and the northerly high water line (as of the date of enactment of this Act) of Newtown Creek; and

(3) extends from the high water line (as of the date of enactment of this Act) of the East River to the original high water line of the East River;

is declared to be nonnavigable waters of the United States.

(b) REQUIREMENT THAT AREA BE IMPROVED.—

(1) IN GENERAL.—The declaration of nonnavigability under subsection (a) shall apply only to those portions of the area described in subsection (a) that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures or other permanent physical improvements (including parkland).

(2) APPLICABILITY OF FEDERAL LAW.—Improvements described in paragraph (1) shall be subject to applicable Federal laws, including—

(A) sections 9 and 10 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1899 (33 U.S.C. 401 and 403);

(B) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) EXPIRATION DATE.—The declaration of nonnavigability under subsection (a) shall expire with respect to a portion of the area described in subsection (a), if the portion—

(1) is not bulkheaded, filled, or otherwise occupied by a permanent structure or other permanent physical improvement (including parkland) in accordance with subsection (b) by the date that is 20 years after the date of the enactment of this Act; or

(2) requires an improvement described in subsection (b)(2) that is subject to a permit under an applicable Federal law and the improvement is not commenced by the date that is 5 years after the date of issuance of the permit.

SEC. 556. NEW YORK BIGHT AND HARBOR STUDY.

Section 326(f) of the Water Resources Development Act of 1992 (106 Stat. 4851) is amended by striking "$1,000,000" and inserting "$5,000,000".

SEC. 557. NEW YORK STATE CANAL SYSTEM.

(a) IN GENERAL.—The Secretary is authorized to make capital improvements to the New York State Canal System.

(b) AGREEMENTS.—The Secretary shall, with the consent of appropriate local and State entities, enter into such arrangements, contracts, and leases with public and private entities as may be necessary for the purposes of rehabilitation, renovation, preservation, and maintenance of the New York State Canal System and its related facilities, including trailside facilities and other recreational projects along the waterways of the canal system.

(c) NEW YORK STATE CANAL SYSTEM DEFINED.—In this section, the term "New York State Canal System" means the Erie, Oswego, Champlain, and Cayuga-Seneca Canals.

(d) FEDERAL SHARE.—The Federal share of the cost of capital improvements under this section shall be 50 percent.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 558. NEW YORK CITY WATERSHED.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a program for providing environmental assistance to non-Federal interests in the New York City Watershed.

(2) FORM.—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the New York City Watershed, including projects for water supply, storage, treatment, and distribution facilities, and surface water resource protection and development.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(c) ELIGIBLE PROJECTS.—

(1) CERTIFICATION.—A project shall be eligible for financial assistance under this section only if the State director for the project certifies to the Secretary that the project will contribute to the protection and enhancement of the quality or quantity of the New York City water supply.

(2) SPECIAL CONSIDERATION.—In certifying projects to the Secretary, the State director shall give special consideration to those projects implementing plans, agreements, and measures which preserve and enhance the economic and social character of the watershed communities.

(3) PROJECT DESCRIPTIONS.—Projects eligible for assistance under this section shall include the following:

(A) Implementation of intergovernmental agreements for coordinating regulatory and management responsibilities.

(B) Acceleration of whole farm planning to implement best management practices to maintain or enhance water quality and to promote agricultural land use.

(C) Acceleration of whole community planning to promote intergovernmental cooperation in the regulation and management of activities consistent with the goal of maintaining or enhancing water quality.

(D) Natural resources stewardship on public and private lands to promote land uses

that preserve and enhance the economic and social character of the watershed communities and protect and enhance water quality.

(d) COOPERATION AGREEMENTS.—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement with the State director for the project to be carried out with such assistance.

(e) COST SHARING.—

(1) IN GENERAL.—Total project costs under each agreement entered into under this section shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest prior to entering into the agreement with the Secretary for a project. The Federal share may be in the form of grants or reimbursements of project costs.

(2) INTEREST.—In the event of delays in the reimbursement of the non-Federal share of a project, the non-Federal interest shall receive credit for reasonable interest costs incurred to provide the non-Federal share of a project's cost.

(3) LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations provided by the non-Federal interest toward its share of project costs, including direct costs associated with obtaining permits necessary for the placement of such project on public owned or controlled lands, but not to exceed 25 percent of total project costs.

(4) OPERATION AND MAINTENANCE.—Operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent non-Federal.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed to waive, limit, or otherwise affect the applicability of any provision of Federal or State law that would otherwise apply to a project carried out with assistance provided under this section.

(g) REPORT.—Not later than December 31, 2000, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with recommendations concerning whether such program should be implemented on a national basis.

(h) NEW YORK CITY WATERSHED DEFINED.—For purposes of this section, the term "New York City Watershed" means the land area within the counties of Delaware, Greene, Schoharie, Ulster, Sullivan, Westchester, Putnam, and Duchess which contributes water to the water supply system of New York City.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000.

SEC. 559. OHIO RIVER GREENWAY.

(a) EXPEDITED COMPLETION OF STUDY.—The Secretary is directed to expedite the completion of the study for the Ohio River Greenway, Jeffersonville, Clarksville, and New Albany, Indiana.

(b) CONSTRUCTION.—Upon completion of the study, if the Secretary determines that the project is feasible, the Secretary shall participate with the non-Federal interests in the construction of the project.

(c) COST SHARING.—Total project costs under this section shall be shared at 50 percent Federal and 50 percent non-Federal.

(d) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—Non-Federal interests shall be responsible for providing all lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for the project.

(e) CREDIT.—The non-Federal interests shall receive credit for those costs incurred by the non-Federal interests that the Secretary determines are compatible with the study, design, and implementation of the project.

SEC. 560. NORTHEASTERN OHIO.

The Secretary is authorized to provide technical assistance to local interests for planning the establishment of a regional water authority in northeastern Ohio to address the water problems of the region. The Federal share of the costs of such planning shall not exceed 75 percent.

SEC. 561. GRAND LAKE, OKLAHOMA.

(a) STUDY.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Army shall carry out and complete a study of flood control in Grand/Neosho Basin and tributaries in the vicinity of Pensacola Dam in northeastern Oklahoma to determine the scope of the backwater effects of operation of the dam and to identify any lands which the Secretary determines have been adversely impacted by such operation or should have been originally purchased as flowage easement for the project.

(b) ACQUISITION OF REAL PROPERTY.—Upon completion of the study and subject to advance appropriations, the Secretary shall acquire from willing sellers such real property interests in any lands identified in the study as the Secretary determines are necessary to reduce the adverse impacts identified in the study conducted under subsection (a).

(c) IMPLEMENTATION REPORTS.—The Secretary shall transmit to Congress reports on the operation of the Pensacola Dam, including data on and a description of releases in anticipation of flooding (referred to as preoccupancy releases), and the implementation of this section. The first of such reports shall be transmitted not later than 2 years after the date of the enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal years beginning after September 30, 1996.

(2) MAXIMUM FUNDING FOR STUDY.—Of amounts appropriated to carry out this section, not to exceed $1,500,000 shall be available for carrying out the study under subsection (a).

SEC. 562. BROAD TOP REGION OF PENNSYLVANIA.

Section 304 of the Water Resources Development Act of 1992 (106 Stat. 4840) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) COST SHARING.—The Federal share of the cost of the activities conducted under the cooperative agreement entered into under subsection (a) shall be 75 percent. The non-Federal share of project costs may be provided in the form of design and construction services and other in-kind work provided by the non-Federal interests, whether occurring subsequent to, or within 6 years prior to, entering into an agreement with the Secretary. Non-Federal interests shall receive credit for grants and the value of work performed on behalf of such interests by State and local agencies."; and

(2) in subsection (c) by striking "$5,500,000" and inserting "$11,000,000".

SEC. 563. CURWENSVILLE LAKE, PENNSYLVANIA.

The Secretary shall modify the allocation of costs for the water reallocation project at Curwensville Lake, Pennsylvania, to the extent that the Secretary determines that such reallocation will provide environmental restoration benefits in meeting in-stream flow needs in the Susquehanna River basin.

SEC. 564. HOPPER DREDGE MCFARLAND.

(a) PROJECT AUTHORIZATION.—The Secretary is authorized to carry out a project at the Philadelphia Naval Shipyard, Pennsylvania, to make modernization and efficiency improvements to the hopper dredge McFarland.

(b) REQUIREMENTS.—In carrying out the project under subsection (a), the Secretary shall—

(1) determine whether the McFarland should be returned to active service or the reserve fleet after the project is completed; and

(2) establish minimum standards of dredging service to be met in areas served by the McFarland while the drydocking is taking place.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal years beginning after September 30, 1996.

SEC. 565. PHILADELPHIA, PENNSYLVANIA.

(a) WATER WORKS RESTORATION.—

(1)) IN GENERAL.—The Secretary shall provide planning, design, and construction assistance for the protection and restoration of the Philadelphia, Pennsylvania Water Works.

(2) COORDINATION.—In providing assistance under this subsection, the Secretary shall coordinate with the Fairmount Park Commission and the Secretary of the Interior.

(3) FUNDING.—There is authorized to be appropriated to carry out this subsection $1,000,000 for fiscal years beginning after September 30, 1996.

(b) COOPERATION AGREEMENT FOR SCHUYLKILL NAVIGATION CANAL.—

(1) IN GENERAL.—The Secretary shall enter into a cooperation agreement with the city of Philadelphia, Pennsylvania, to participate in the operation, maintenance, and rehabilitation of the Schuylkill Navigation Canal at Manayunk.

(2) LIMITATION ON FEDERAL SHARE.—The Federal share of the cost of the operation, maintenance, and rehabilitation under paragraph (1) shall not exceed $300,000 annually.

(3) AREA INCLUDED.—For purposes of this subsection, the Schuylkill Navigation Canal includes the section approximately 10,000 feet long extending between Lock and Fountain Streets, Philadelphia, Pennsylvania.

(c) SCHUYLKILL RIVER PARK.—

(1) ASSISTANCE.—The Secretary is authorized to provide technical, planning, design, and construction assistance for the Schuylkill River Park, Philadelphia, Pennsylvania.

(2) FUNDING.—There is authorized to be appropriated $2,700,000 to carry out this subsection.

(d) PENNYPACK PARK.—

(1) ASSISTANCE.—The Secretary is authorized to provide technical, design, construction, and financial assistance for measures for the improvement and restoration of aquatic habitats and aquatic resources at Pennypack Park, Philadelphia, Pennsylvania.

(2) COOPERATION AGREEMENTS.—In providing assistance under this subsection, the Secretary shall enter into cooperation agreements with the city of Philadelphia, acting through the Fairmount Park Commission.

(3) FUNDING.—There is authorized to be appropriated for fiscal years beginning after September 30, 1996, $15,000,000 to carry out this subsection.

(e) FRANKFORD DAM.—

(1) COOPERATION AGREEMENTS.—The Secretary shall enter into cooperation agreements with the city of Philadelphia, Pennsylvania, acting through the Fairmount Park Commission, to provide assistance for the elimination of the Frankford Dam, the replacement of the Rhawn Street Dam, and modifications to the Roosevelt Dam and the Verree Road Dam.

(2) FUNDING.—There is authorized to be appropriated for fiscal years beginning after September 30, 1996, $900,000, to carry out this subsection.

SEC. 566. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

(a) STUDY AND STRATEGY DEVELOPMENT.—The Secretary, in cooperation with the Secretary of Agriculture, the State of Pennsylvania, and the State of New York, shall conduct a study, and develop a strategy, for using wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damages, improve water quality, and create wildlife habitat in the following portions of the Upper Susquehanna River basin:

(1) the Juniata River watershed, Pennsylvania, at an estimated Federal cost of $15,000,000; and

(2) the Susquehanna River watershed upstream of the Chemung River, New York, at an estimated Federal cost of $10,000,000.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of the study and development of the strategy shall be 25 percent and may be provided through in-kind services and materials.

(c) COOPERATION AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies, including activities for the implementation of wetland restoration projects and soil and water conservation measures.

(d) IMPLEMENTATION.—The Secretary shall undertake development and implementation of the strategy authorized by this section in cooperation with local landowners and local government officials.

SEC. 567. SEVEN POINTS VISITORS CENTER, RAYSTOWN LAKE, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary shall construct a visitors center and related public use facilities at the Seven Points Recreation Area at Raystown Lake, Pennsylvania, generally in accordance with the Master Plan Update (1994) for the Raystown Lake Project.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

SEC. 568. SOUTHEASTERN PENNSYLVANIA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a pilot program for providing environmental assistance to non-Federal interests in southeastern Pennsylvania. Such assistance may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in southeastern Pennsylvania, including projects for waste water treatment and related facilities, water supply, storage, treatment, and distribution facilities, and surface water resource protection and development.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(c) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with such assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of each such legal and institutional structures as are necessary to assure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest prior to entering into a local cooperation agreement with the Secretary for a project. The credit for such design work shall not exceed 6 percent of the total construction costs of the project. The Federal share may be in the form of grants or reimbursements of project costs.

(B) INTEREST.—In the event of delays in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of a project's cost.

(C) LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of such project on publicly owned or controlled lands, but not to exceed 25 percent of total project costs.

(D) OPERATION AND MAINTENANCE.—Operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent non-Federal.

(d) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law which would otherwise apply to a project to be carried out with assistance provided under this section.

(e) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(f) SOUTHEASTERN PENNSYLVANIA DEFINED.—For purposes of this section, the term "Southeastern Pennsylvania" means Philadelphia, Bucks, Chester, Delaware, and Montgomery Counties, Pennsylvania.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal years beginning after September 30, 1996. Such sums shall remain available until expended.

SEC. 569. WILLS CREEK, HYNDMAN, PENNSYLVANIA.

The Secretary shall carry out a project for flood control, Wills Creek, Borough of Hyndman, Pennsylvania, at an estimated total cost of $5,000,000. For purposes of section 209 of the Flood Control Act of 1970 (84 Stat. 1829), benefits attributable to the national economic development objectives set forth in such section shall include all primary, secondary, and tertiary benefits attributable to the flood control project authorized by this section regardless of to whom such benefits may accrue.

SEC. 570. BLACKSTONE RIVER VALLEY, RHODE ISLAND AND MASSACHUSETTS.

(a) IN GENERAL.—The Secretary, in coordination with Federal, State, and local interests, shall provide technical, planning, and design assistance in the development and restoration of the Blackstone River Valley National Heritage Corridor, Rhode Island, and Massachusetts.

(b) FEDERAL SHARE.—Funds made available under this section for planning and design of a project may not exceed 75 percent of the total cost of such planning and design.

SEC. 571. EAST RIDGE, TENNESSEE.

The Secretary shall review the flood management study for the East Ridge and Hamilton County area undertaken by the Tennessee Valley Authority and shall carry out the project at an estimated total cost of $25,000,000.

SEC. 572. MURFREESBORO, TENNESSEE.

The Secretary shall carry out a project for environmental enhancement, Murfreesboro, Tennessee, in accordance with the Report and Environmental Assessment, Black Fox, Murfree and Oaklands Spring Wetlands, Murfreesboro, Rutherford County, Tennessee, dated August 1994.

SEC. 573. BUFFALO BAYOU, TEXAS.

The non-Federal interest for the projects for flood control, Buffalo Bayou Basin, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1258), and Buffalo Bayou and tributaries, Texas, authorized by section 101 of the Water Resources Development Act of 1990 (104 Stat. 4610), may be reimbursed by up to $5,000,000 or may receive a credit of up to $5,000,000 against required non-Federal project cost-sharing contributions for work performed by the non-Federal interest at each of the following locations if such work is compatible with the following authorized projects: White Oak Bayou, Brays Bayou, Hunting Bayou, Garners Bayou, and the Upper Reach on Greens Bayou.

SEC. 574. SAN ANTONIO RIVER, TEXAS.

Notwithstanding the last sentence of section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d–5(a)) and the agreement executed on November 7, 1992, by the Secretary and the San Antonio River Authority, Texas, the Secretary shall reimburse the San Antonio River Authority an amount not to exceed $5,000,000 for the work carried out by the Authority under the agreement, including any amounts paid to the Authority under the terms of the agreement before the date of the enactment of this Act.

SEC. 575. NEABSCO CREEK, VIRGINIA.

The Secretary shall carry out a project for flood control, Neabsco Creek Watershed, Prince William County, Virginia, at an estimated total cost of $1,500,000.

SEC. 576. TANGIER ISLAND, VIRGINIA.

The Secretary is directed to design and construct a breakwater at the North Channel on Tangier Island, Virginia, at a total cost of $1,200,000, with an estimated Federal cost of $900,000 and an estimated non-Federal cost of $300,000. Congress finds that in view of the historic preservation benefits resulting from the project authorized by this section, the overall benefits of the project exceed the costs of the project.

SEC. 577. HARRIS COUNTY, TEXAS.

(a) IN GENERAL.—During any evaluation of economic benefits and costs for projects set forth in subsection (b) that occurs after the date of the enactment of this Act, the Secretary shall not consider flood control works constructed by non-Federal interests within the drainage area of such projects prior to the date of such evaluation in the determination of conditions existing prior to construction of the project.

(b) SPECIFIC PROJECTS.—The projects to which subsection (a) apply are—

(1) the project for flood control, Buffalo Bayou and Tributaries, Texas, authorized by section 101(a) of the Water Resources Development Act of 1990 (104 Stat. 4610);

(2) the project for flood control, Cypress Creek, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014); and

(3) the project for flood control, Buffalo Bayou Basin, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1258).

SEC. 578. PIERCE COUNTY, WASHINGTON.

(a) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to Pierce County, Washington, to address measures that are necessary to assure that non-Federal levees are adequately maintained and satisfy eligibility criteria for rehabilitation assistance under section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n; 55 Stat. 650). Such assistance shall include a review of the requirements of the Puyallup Tribe of Indians Settlement Act of 1989 (Public Law 101–41) and standards for project maintenance and vegetation management used by the Secretary to determine eligibility for levee rehabilitation assistance with a view toward amending such standards as needed to make non-Federal levees eligible for assistance that may be necessary as a result of future flooding.

(b) LEVEE REHABILITATION.—The Secretary shall expedite a review to determine the extent to which requirements of the Puyallup Tribe of Indians Settlement Act of 1989 limited the ability of non-Federal interests to adequately maintain existing non-Federal levees that were damaged by flooding in 1995 and 1996 and, to the extent that such ability was limited by such Act, the Secretary shall carry out the rehabilitation of such levees.

SEC. 579. WASHINGTON AQUEDUCT.

(a) REGIONAL ENTITY.—

(1) IN GENERAL.—Congress encourages the non-Federal public water supply customers of the Washington Aqueduct to establish a non-Federal public or private entity, or to enter into an agreement with an existing non-Federal public or private entity, to receive title to the Washington Aqueduct and to operate, maintain, and manage the Washington Aqueduct in a manner that adequately represents all interests of such customers.

(2) CONSENT OF CONGRESS.—Congress grants consent to the jurisdictions which are customers of the Washington Aqueduct to establish a non-Federal entity to receive title to the Washington Aqueduct and to operate, maintain, and manage the Washington Aqueduct.

(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall preclude the jurisdictions referred to in this subsection from pursuing alternative options regarding ownership, operation, maintenance, and management of the Washington Aqueduct.

(b) PROGRESS REPORT AND PLAN.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress in achieving the objectives of subsection (a) and a plan for the transfer of ownership, operation, maintenance, and management of the Washington Aqueduct to a non-Federal public or private entity. Such plan shall include a transfer of ownership, operation, maintenance, and management of the Washington Aqueduct that is consistent with the provisions of this section and a detailed consideration of any proposal to transfer such ownership or operation, maintenance, or management to a private entity.

(c) TRANSFER.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transfer, without consideration but subject to such terms and conditions as the Secretary considers appropriate to protect the interests of the United States and the non-Federal public water supply customers, all right, title, and interest of the United States in the Washington Aqueduct, its real property, facilities, equipment, supplies, and personalty—

(A) to a non-Federal public or private entity established pursuant to subsection (a); or

(B) in the event no entity is established pursuant to subsection (a), a non-Federal public or private entity selected by the Secretary which reflects, to the extent possible, a consensus among the non-Federal public water supply customers.

(2) TRANSFEREE SELECTION CRITERIA.—The selection of a non-Federal public or private entity under paragraph (1)(B) shall be based on technical, managerial, and financial capabilities and on consultation with the non-Federal public water supply customers and after opportunity for public input.

(3) ASSUMPTION OF RESPONSIBILITIES.—The entity to whom transfer under paragraph (1) is made shall assume full responsibility for performing and financing the operation, maintenance, repair, replacement, rehabilitation, and necessary capital improvements of the Washington Aqueduct so as to ensure the continued operation of the Washington Aqueduct consistent with its intended purpose of providing an uninterrupted supply of potable water sufficient to meet the current and future needs of the Washington Aqueduct service area.

(4) EXTENSION.—Notwithstanding the 2-year deadline established in paragraph (1), the Secretary may provide a 1-time 6-month extension of such deadline if the Secretary determines that the non-Federal public water supply customers are making progress in establishing an entity pursuant to subsection (a) and that such an extension would likely result in the establishment of such an entity.

(d) INTERIM BORROWING AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), there is authorized to be appropriated to the Secretary for fiscal years 1997 and 1998 borrowing authority in amounts sufficient to cover those obligations which the Army Corps of Engineers is required to incur in carrying out capital improvements during such fiscal years for the Washington Aqueduct to assure its continued operation until such time as the transfer under subsection (c) has taken place, provided that such amounts do not exceed $16,000,000 for fiscal year 1997 and $54,000,000 for fiscal year 1998.

(2) TERMS AND CONDITIONS.—The borrowing authority under paragraph (1) shall be provided to the Secretary by the Secretary of the Treasury under such terms and conditions as the Secretary of the Treasury determines to be necessary in the public interest and may be provided only after each of the non-Federal public water supply customers of the Washington Aqueduct has entered into a contractual agreement with the Secretary to pay its pro rata share of the costs associated with such borrowing.

(3) IMPACT ON IMPROVEMENT PROGRAM.—Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with other Federal agencies, shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that assesses the impact of the borrowing authority provided under this subsection on near-term improvement projects under the Washington Aqueduct Improvement Program, work scheduled during fiscal years 1997 and 1998, and the financial liability to be incurred.

(e) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) WASHINGTON AQUEDUCT.—The term "Washington Aqueduct" means the Washington Aqueduct facilities and related facilities owned by the Federal Government as of the date of the enactment of this Act, including the dams, intake works, conduits, and pump stations that capture and transport raw water from the Potomac River to the Dalecarlia Reservoir, the infrastructure and appurtenances used to treat water taken from the Potomac River by such facilities to potable standards, and related water distributions facilities.

(2) NON-FEDERAL PUBLIC WATER SUPPLY CUSTOMERS.—The term "non-Federal public water supply customers" means the District of Columbia, Arlington County, Virginia, and the city of Falls Church, Virginia.

SEC. 580. GREENBRIER RIVER BASIN, WEST VIRGINIA, FLOOD PROTECTION.

(a) IN GENERAL.—The Secretary is directed to design and implement a flood damage reduction program for the Greenbrier River Basin, West Virginia, in the vicinity of Durbin, Cass, Marlinton, Renick, Ronceverte, and Alderson as generally presented in the District Engineer's draft Greenbrier River Basin Study Evaluation Report, dated July 1994, to the extent provided under subsection (b) to afford those communities a level of protection against flooding sufficient to reduce future losses to these communities from the likelihood of flooding such as occurred in November 1985, January 1996, and May 1996.

(b) FLOOD PROTECTION MEASURES.—The flood damage reduction program referred to in subsection (a) may include the following as the Chief of Engineers determines necessary and advisable in consultation with the communities referred to in subsection (a)—

(1) local protection projects such as levees, floodwalls, channelization, small tributary stream impoundments, and nonstructural measures such as individual flood proofing; and

(2) floodplain relocations and resettlement site developments, floodplain evacuations, and a comprehensive river corridor and watershed management plan generally in accordance with the District Engineer's draft Greenbrier River Corridor Management Plan, Concept Study, dated April 1996.

(c) CONSIDERATIONS.—For purposes of section 209 of the Flood Control Act of 1970 (84

Stat. 1829), benefits attributable to the national economic development objectives set forth therein shall include all primary, secondary, and tertiary benefits attributable to the flood damage reduction program authorized by this section regardless to whomever they might accrue.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal years beginning after September 30, 1996.

SEC. 581. HUNTINGTON, WEST VIRGINIA.

The Secretary may enter into a cooperative agreement with Marshall University, Huntington, West Virginia, to provide technical assistance to the Center for Environmental, Geotechnical and Applied Sciences.

SEC. 582. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The Secretary shall review the watershed plan and the environmental impact statement prepared for the Lower Mud River, Milton, West Virginia by the Natural Resources Conservation Service pursuant to the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) and shall carry out the project.

SEC. 583. WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL.

(a) IN GENERAL.—The Secretary shall design and construct flood control measures in the Cheat and Tygart River Basins, West Virginia, and the Lower Allegheny, Lower Monongahela, West Branch Susquehana, and Juanita River Basins, Pennsylvania, at a level of protection sufficient to prevent any future losses to these communities from flooding such as occurred in January 1996, but no less than 100 year level of protection.

(b) PRIORITY COMMUNITIES.— In implementing this section, the Secretary shall give priority to the communities of Parsons and Rowlesburg, West Virginia, in the Cheat River Basin and Bellington and Phillipi, West Virginia, in the Tygart River Basin, and Connellsville, Pennsylvania, in the Lower Monongahela River Basin, and Benson, Hooversville, Clymer, and New Bethlehem, Pennsylvania, in the Lower Allegheny River Basin, and Patton, Barnesboro, Coalport and Spangler, Pennsylvania, in the West Branch Susquehanna River Basin, and Bedford, Linds Crossings, and Logan Township in the Juniata River Basin.

(c) CONSIDERATIONS.—For purposes of section 209 of the Flood Control Act of 1970, benefits attributable to the national economic development objectives set forth in such section shall include all primary, secondary, and tertiary benefits attributable to the flood control measures authorized by this section regardless of to whom such benefits may accrue.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal years beginning after September 30, 1996.

SEC. 584. EVALUATION OF BEACH MATERIAL.

(a) IN GENERAL.—The Secretary and the Secretary of the Interior shall evaluate procedures and requirements used in the selection and approval of materials to be used in the restoration and nourishment of beaches. Such evaluation shall address the potential effects of changing existing procedures and requirements on the implementation of beach restoration and nourishment projects and on the aquatic environment.

(b) CONSULTATION.—In conducting the evaluation under this section, the Secretaries shall consult with appropriate State agencies.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretaries shall transmit a report to Congress on their findings under this section.

SEC. 585. NATIONAL CENTER FOR NANOFABRICATION AND MOLECULAR SELF-ASSEMBLY.

(a) IN GENERAL.—The Secretary is authorized to provide financial assistance for not to exceed 50 percent of the costs of the necessary fixed and movable equipment for a National Center for Nanofabrication and Molecular Self-Assembly to be located in Evansville, Illinois.

(b) TERMS AND CONDITIONS.—No financial assistance may be provided under this section unless an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000 for fiscal years beginning after September 30, 1996 .

SEC. 586. SENSE OF CONGRESS REGARDING ST. LAWRENCE SEAWAY TOLLS.

It is the sense of Congress that the President should engage in negotiations with the Government of Canada for the purposes of—

(1) eliminating tolls along the St. Lawrence Seaway system; and

(2) identifying ways to maximize the movement of goods and commerce through the St. Lawrence Seaway.

SEC. 587. PRADO DAM, CALIFORNIA.

(a) SEPARABLE ELEMENT REVIEW.—

(1) REVIEW.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall review, in cooperation with the non-Federal interest, the Prado Dam feature of the project for flood control, Santa Ana River Mainstem, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113), with a view toward determining whether the feature may be considered a separable element, as that term is defined in section 103(f) of such Act.

(2) MODIFICATION OF COST-SHARING REQUIREMENT.—If the Prado Dam feature is determined to be a separable element under paragraph (1), the Secretary shall reduce the non-Federal cost-sharing requirement for such feature in accordance with section 103(a)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)(3)) and shall enter into a project cooperation agreement with the non-Federal interest to reflect the modified cost-sharing requirement and to carry out construction.

(b) DAM SAFETY ADJUSTMENT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall determine the estimated costs associated with dam safety improvements that would have been required in the absence of flood control improvements authorized for the Santa Ana River Mainstem project referred to in subsection (a) and shall reduce the non-Federal share for the Prado Dam feature of such project by an amount equal to the Federal share of such dam safety improvements, updated to current price levels.

TITLE VI—EXTENSION OF EXPENDITURE AUTHORITY UNDER HARBOR MAINTENANCE TRUST FUND

SEC. 601. EXTENSION OF EXPENDITURE AUTHORITY UNDER HARBOR MAINTENANCE TRUST FUND.

Paragraph (1) of section 9505(c) of the Internal Revenue Code of 1986 (relating to expenditures from Harbor Maintenance Trust Fund) is amended to read as follows:

"(1) to carry out section 210 of the Water Resources Development Act of 1986 (as in effect on the date of the enactment of the Water Resources Development Act of 1996),".

SENATE—*Monday, July 29, 1996*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today, the prayer will be offered by the Honorable CHARLES E. GRASSLEY, a Senator from the State of Iowa.

PRAYER

CHARLES E. GRASSLEY, a Senator from the State of Iowa, offered the following prayer:

Let us pray:

Almighty Father, as Members of the Senate gather here this morning to conduct their legislative business we implore Your blessings upon them, their families, and their staffs. We beseech You to instill in them a faith that is unerring, a hope that is certain, a patience that is boundless, a courage that is unwavering, a love that is perfect, and a sensitivity and a knowledge that they may accomplish Your holy and true command. Amen.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. GRASSLEY). Under the previous order, leadership time is reserved.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

SCHEDULE

Mr. DOMENICI. Mr. President, in behalf of the leader, I make the following statement.

This morning the Senate will immediately resume consideration of the energy and water appropriations bill.

Under the agreement reached on Friday there are a limited number of first-degree amendments which can be offered during today's session.

No rollcall votes will occur today. However, any votes ordered will be stacked on a case-by-case basis on Tuesday morning beginning at 10 a.m.

There will be a period of morning business today between the hours of 12 and 2 after which we will resume the energy and water bill.

Also, in accordance with the consent agreement, the Senate will begin consideration of the legislative branch appropriations this afternoon at 5 p.m.

Once again, any votes ordered on amendments to that bill will also be stacked to occur tomorrow morning.

Senators should anticipate busy sessions this week with rollcall votes throughout each day and into the evening as we make progress on the appropriations bills.

The majority leader would like to thank all Members in advance for their cooperation this week as we attempt to complete all of the Senate business prior to start of the August recess.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1959 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1959) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

McCain amendment No. 5094, to clarify that report language does not have the force of law.

McCain amendment No. 5095, to prohibit the use of funds to carry out the advanced light water reactor program.

Mr. DOMENICI. Mr. President, I know of no Senators who are waiting to offer amendments. Let me remind them that there are a number of Senators listed as having reserved amendments. Many of them merely state "relevant," meaning that we are not totally aware of what the amendments are. But we have from 9:30 to 12 to debate some of them, to get the votes set, and to ask for the yeas and nays. Then those votes will be set for tomorrow.

I yield the floor at this point.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. LEAHY. Mr. President, I notice there seems to be a momentary pause, so I am going to speak on a couple of things.

JOE JAMELE—A TRUE PATRIOT

Mr. LEAHY. Mr. President, in a short while, my longtime press secretary, Joe Jamele, will be retiring. Joe Jamele set probably an all-time record as press secretaries of 15 years in my office. I think this is a great compliment to two Italian-Americans, Joe and myself, that we put up with each other for 15 years. We were good friends when we began our association; we are even better friends as it comes to an end.

Joe Jamele is one of those very special people who is a true Vermonter. I remember when I grew up, we always had the debate of what it took to be a Vermonter. Usually, the debate centered around whether your great-great-grandparents were born and raised in Vermont or whether your great-great-great-grandparents were born and raised in Vermont.

Joe Jamele established it in the best of ways. He earned his right to be a Vermonter through his sense of hard work, honesty and loyalty, loyalty to his family, loyalty to his community, and loyalty to those who were fortunate enough to have him serve in their office, whether it was the Governor of the State of Vermont, Governor Salmon, or whether it was myself.

Having Joe Jamele as a member of your office comes with a price. I would often come in feeling that I just made some brilliant coup, either in the media or on the floor or back home. Joe would lean back and say, "Well, you know, PATRICK, the way I heard it was," and then he would give it to me from the eyes of the vast majority of Vermonters. And I would say, "Yeah, I guess I didn't do quite as good as I might have," and he would bring it back to Earth. But he also did it in a way that was in the best interest of Vermont.

He would say oftentimes, "Let's talk about what really is on people's minds back there." That is something he knew because he had such a farflung group of people, and still does, around Vermont, people he could call and talk with, people who are the true opinionmakers, not those who thought they were the true opinionmakers, but the people who really were the true opinionmakers and those who understood it.

Joe had, and has, this sense of history in Vermont. We sometimes have members of the press who come there, have been there a very short time and don't know who had gone before them. He was a very distinguished member of the press and has a sense of history that has probably only been seen, in my recollection, in Mavis Doyle, a former, and now deceased, reporter for the Rutland Herald. Joe knew who the players were. He knew those who spoke just for a sound bite as compared to those who spoke to do what they thought was best for the State or our country.

He had a professor's true heart, because over this decade and a half, we had so many young people who came

into our office who found their real mentor was Joe Jamele, and they could go to Joe with everything from a professional to a personal concern and get the best of advice.

So, Mr. President, I was very pleased when Sam Hemingway of the Burlington Free Press wrote in May a column about Joe, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, May 31, 1996]

(By Sam Hemingway)

WASHINGTON BIDS FAREWELL TO JAMELE

To his last day on the job—today—Joseph Jamele Jr., 65, was remaining true to form: part curmudgeon, part romantic and full-time Vermont political junkie.

"It's terrible," he muttered on the phone from Washington, D.C., where he's worked as press secretary for U.S. Sen. Patrick Leahy, D-Vt., for 15 years, an eon in a profession famous for short life spans.

"Winding down is terrible," he went on. "I don't like this going-away stuff. I'd rather say goodbye on a one-to-one basis than have those cheery testimonials. I've been to a lot of them and every one's been a disaster."

And then, a minute later, he was talking fondly about working for peanuts as a reporter in the 1950s. About managing the gubernatorial victory of Democrat Tom Salmon in 1972, one of the great upsets in Vermont political history. About the changes in Vermont he can't bear to watch.

"There's some parts I can barely visit because they've changed so much," he said. "Like the outskirts of Burlington. I can remember driving through Colchester at night and not see a light on. Or up around Lake Seymour. It used to be you could go for miles and not see anyone. Now it's ringed with cottages."

The two sports are important to Jamele. Lake Seymour, close by Morgan in the Northeast Kingdom, was where he was sent to summer camp by his family in New Jersey all through the Depression and World War II. Burlington is where he got his first job while still a college student, bundling freshly printed Free Presses on the midnight shift.

A reporting job soon followed, with Jamele honoring the advice of a plaque on the wall in the office of his University of Vermont mentor, Andrew Nuquist, that read: "Never give them two bad ones in a row."

He didn't. Jamele's news writing career covered the mundane—taking sports briefs over the phone—to the dramatic: a story about the abused dog who crawled home to die. He once interviewed a blind man who had wandered lost in a forest for three days. He talked with a sobbing Gov. Phil Hoff the day President Kennedy was assassinated.

By the early 1970s, his love for politics and weariness with low-paying journalism jobs got the best of him. In 1972, he had begun working for the GOP gubernatorial campaign of then-Attorney General James Jeffords when Salmon called and coaxed him to not only switch horses, but political affiliations as well.

The move paid off, Jeffords eventually lost his party's primary to Luther Hackett; Salmon went on to victory in November.

"The night Tom won, the first returns that came in came from Granby, which voted 26-0 for Hackett," Jamele said. "Tom's daughter began to cry on the couch, and Tom consoled her by reminding her about Hackett's pledge to visit every town. 'I think he spent too much time in Granby,' he told her."

Jamele remains convinced that had Salmon run for retiring U.S. Sen. George Aiken's seat in 1974, he would have won. "I think Aiken really wanted Tom to succeed him," Jamele said.

But Salmon passed on the chance, and the door was opened for Leahy. Jamele worked for Salmon for four years, then for Massachusetts Gov. Michael Dukakis. He joined Leahy's staff in 1981, a move he's never regretted.

And will not now sentimentalize as he heads for the exits. He leaves, critical of the way federal workers have become scapegoats for those who blame government for what's wrong in the country, angry about the dominance of polls and television ads in political campaigns.

Passionate and skeptical to the end.

Mr. LEAHY. Mr. President, I will say that my career in the Senate has been greatly enhanced because Joe has been willing to give so much of himself to this office, to the State of Vermont, to the U.S. Senate, and to our country. He is, indeed, a true patriot.

KELLOGG-HUBBARD LIBRARY AND MRS. JEAN HOLBROOK

Mr. LEAHY. Mr. President, the Kellogg-Hubbard Library in Montpelier recently celebrated its 100th anniversary. The Kellogg-Hubbard Library holds a very special place in my heart, because I had my first library card there. I used to go almost every day. I would be reading a book at school or a book at home and sometimes a book in the library in the evening.

Mrs. Jean Holbrook, who was the librarian, was one of those people who truly helped form my life and my educational accomplishments as a child. It was she who told me when I got bored with the curriculum in the third grade that I could also be spending my time reading Dickens and Robert Louis Stevenson, and I did with great enjoyment. It was she who told me that when I read just about everything in the children's library, that she would go with me to get a card in the upstairs library, the grownups' library. I guess I was probably the youngest grownup at the time, but this helped me, and it has helped me immeasurably throughout my life.

Even today, when I give graduation addresses in high schools and even sometimes grade schools in Vermont, I tell the graduates they have already learned the most important thing in their life—they have learned to read. On top of learning to read, they have developed a love for reading, and every door in life will be open to them because their love of reading will allow them to expand their imagination and their love of life in a way they could not otherwise, but also help them learn to be whatever they want to be.

Mr. President, I ask unanimous consent that an article I wrote for the Times Argus in Vermont about the Hubbard Library titled "Montpelier Boy Realizes Miss Holbrook Was Right" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Times Argus, June 13, 1996]

MONTPELIER BOY REALIZES MISS HOLBROOK WAS RIGHT

(By Patrick Leahy)

The 100th anniversary of the Kellogg-Hubbard Library triggers memories for all of us who have lived in Montpelier. And they are great memories.

While I was growing up, Montpelier did not have television. We children did not have the advantage of cable TV with 10 channels giving us the opportunity to buy things we didn't need and would never use or another 10 offering blessings or redemptions for an adequate contribution.

Depirved as we were, we made do with the Lone Ranger and Inner Sanctum on the radio and Saturday's serials at the Strand Theater on Main Street. For a few minutes on Saturday afternoon, we could watch Hopalong Cassidy, Tarzan, Flash Gordon, Jungle Jim or Batman face death-defying predicaments that would guarantee you would be back the next Saturday, 14 cents in hand, to see how they survived (and I recall they always did).

Having exhausted radio, Saturday matinees, the latest comic books (I had a favorite) and childhood games and chores, we were left to our own imagination.

That was the best part.

We were a generation who let the genies of our imagination out of the bottle be reading. Then, as now, reading was one of my great pleasures.

My parents had owned the Waterbury Record Weekly newspaper and then started the Leahy Press in Montpelier, which they ran until selling it at their retirement. The Leahy family was at home with the printed word and I learned to read early in life.

At 5 years old I went down the stairs on the Kellog-Hubbard Children's Library, and the years that followed provided some of the most important experiences of my life.

In the '40s and '50s, the Kellogg-Hubbard was blessed with a whitehaired children's librarian named Miss Holbrook. Her vocation in life had to be to help children read and to make reading enjoyable. She succeeded more than even she might have dreamed.

She had the key to unlocking our imagination.

With my parents' encouragement, the Kellogg-Hubbard was a regular stop every afternoon as I left school. On any day I had two or three books checked out. My sister Mary, brother John and I read constantly.

In my years as U.S. senator, it seems I never traveled so far or experienced so much as I did as a child in Montpelier with daily visits to the library. With Miss Holbrook's encouragement I had read most of Dickens and Robert Louis Stevenson in the early part of grade school.

To this day, I remember sitting in our home at 136 State St. reading Treasure Island on a Saturday afternoon filled with summer storms. I knew I heard the tap, tap, tap of the blind man's stick coming down State Street and I remember the great relief of seeing my mother and father returning from visiting my grandparents in South Ryegate.

Miss Holbrook was right. A good book and an active imagination creates its own reality.

In my profession, I read computer messages, briefing papers, constituent letters, legislation and briefings, the Congressional Record—and an occasional book for pleasure—in all, the equivalent of a full-length book each day.

Interesting as all this is, and owing much of my life to those earlier experiences at the library, the truest reading pleasure was then. I worry that so many children today miss what our libraries offer.

During the past few years I have had many of my photographs published. DC Comics and Warner Brothers have also asked me to write for Batman or do voice-overs on their TV series. In each case, I have asked them to send my payment to the Kellogg-Hubbard Library to buy books for the Children's Library.

It is my way of saying: "Thank you, Miss Holbrook."

Mr. LEAHY. Mr. President, I see my good friend from Washington State on the floor. If he is not going to seek recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORISM IN THE UNITED STATES

Mr. LEAHY. Mr. President, over the weekend, much has been said about the two terrorist acts this country has faced. I assume that the crash of the TWA flight was caused by an act of terrorism. Obviously, the bomb in Atlanta was an act of terrorism. I assume the two are not connected and the motivation for either may be entirely different. But I hope that the American people will not allow themselves to be held hostage by these terrorists, because if we do, the terrorists win.

This is a great country. We sent armies to fight nazism and fascism around the world. This is a great nation that mobilized in World War II and did not allow the armies of Hitler to defeat us or the cowardly attack on Pearl Harbor to destroy us. If we did not allow those forces, that eventually numbered in the millions, to defeat us, we should not allow a few crazed people, no matter what their motivation, to do the same.

I also hope that we will have a careful and studied response of what is the best way to go after them. I feel strongly that better intelligence—and we have probably the best in world—that better and more intelligence is very important. Our law enforcement, State, local, and Federal, have worked with the greatest cooperation I have ever seen. We should admire Jim Kallstrom, the FBI agent in charge of the investigation into the TWA crash. And certainly, when we watch the Georgia authorities and the Federal authorities come together in Atlanta, for those of us who once served in law enforcement, we can only marvel at this level of cooperation.

But we should realize we are going to face more, not less but more, terrorist attempts in our country. We are the most powerful nation on Earth. Nobody can send an army marching against us or an air force flying against us or navy sailing against us. We are far too powerful.

But like any great democracy, we have one vulnerability. That is not a million-person army marching against us, but a half dozen well-dedicated, well-trained, strongly motivated terrorists. Their motivation may be to go to Heaven, their motivation may be some twisted psychotic sense that they are doing right. But they are the ones in a democracy who can strike the most, especially against a technologically advanced democracy like ours.

I heard some over the weekend say, "Boy, we'll get them. We'll just increase the penalties." I remind everybody that in Georgia, what happened carries a potential death penalty under Georgia law, to say nothing of the potential death penalty under Federal law. I remind my colleagues, in most criminal matters, penalties are rarely a deterrence because the person does not expect to get caught.

The example I use are two warehouses side by side. One has virtually no lock on it, another has a state-of-the-art security system. The penalty for breaking into these warehouses is the same. But a burglar, of course, would take the unguarded one because he assumes he will not be caught.

We have to realize that you stop terrorism not by the easy feel-good things like simply passing legislation, saying we will be tough because we will increase all the penalties or whatever, because these acts carry the death penalty. But, rather, we take the very hard and difficult steps of making sure that our law enforcement is properly funded, equipped, and trained, that they have the tools necessary, within a democratic society, the investigative tools necessary to do this, and that we realize as a nation that while we watch terrorist activity in Great Britain, Germany, in France, in the Middle East, Israel, several of the Arab nations, the terrorism can strike at us. It can be from outside our borders, as the World Trade Tower bombs were, or home-grown, as Oklahoma City now appears to be. Either way, we are not immune. That is the bad side.

The plus side is that we are a resilient nation of 260 million people of diverse backgrounds, diverse philosophies and faiths, nationalities coming together to make one very great, vibrant nation, the most powerful democracy that history has ever known. And it is. We are so powerful, we are so vibrant because we have opened ourselves to all kinds of ideas, have encouraged all kinds of ideas.

We should not allow the terrorists to stop us from having this exchange of ideas and this openness of views. Virtually all Americans will join together in wanting these people caught. But virtually all Americans want to make sure we retain the constitutional freedoms that made us so great.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

WHY AFRICA MATTERS: EMERGING DISEASES

Mrs. KASSEBAUM. Mr. President, when I became chairman of the Subcommittee on African Affairs in 1981, I was asked what I knew about Africa. I responded, "Not much." But since that time, either as chairman or ranking member, I have spent considerable time working on African issues and have developed a deep affinity for the continent.

It is a region that is beset with many difficulties, but it also holds great promise and possibilities. I am not going to speak today, Mr. President, about current tragedies in Burundi or Rwanda or other places on the continent. But I have been questioned more and more, as I get ready to retire and will leave this chairmanship of the African subcommittee, why should we care about Africa? In this era of budget difficulties and domestic challenges, why devote resources and diplomatic energies to a region of great needs, unfamiliar cultures, and limited strategic value to the United States?

Mr. President, I, for one, believe that Africa does matter to Americans, and perhaps in ways that we do not necessarily think about when we see the current headlines that emerge regarding Africa.

The United States does have significant national interests on the continent. The events in Africa directly affect American citizens. In this age of instant communications, international travel, and world trade, we simply cannot afford to ignore a continent of over 660 million people and 54 countries.

From infectious disease to environmental destruction, narcotics trafficking to terrorism, we live in a world

where boundaries have less and less meaning. As a world leader, the United States has a responsibility—and a self-interest—in promoting peace, stability, and development in Africa.

Mr. President, over the next few weeks, I will deliver a series of statements on United States interests in Africa. As I travel around the country I find a great amount of skepticism among the American public regarding foreign policy and international engagement. Those of us who believe that events on the African Continent affect United States interests must begin to make the case for why Africa matters.

Today, I will begin with an issue of particular concern to me—emerging infectious diseases. Last year, I chaired a hearing of the Senate Labor Committee on Emerging Infections: A Threat to the Health of a Nation. The focus of the hearing was on domestic vulnerability to disease, but international issues—especially those involving Africa—surfaced again and again.

It is impossible to isolate the domestic epidemiological situation from a larger global context. Microbes simply do not observe political boundaries.

Mr. President, the sheer volume of human contact at the approaching turn of the century creates a situation in which no country or class is immune from the threat of disease. In 1993, over 27 million people traveled from the United States and Canada to developing countries. The incubation period of most epidemic diseases far exceeds the duration of most international flights. No state can test all entering persons for every known disease. Even secure borders cannot stop contaminated water, food, or animal vectors from transmitting microbes across boundaries.

For example, international trade was the mechanism by which a strain of the Ebola virus, previously confined to central Africa, surfaced in Reston, VA, in 1989, and in Texas in 1996. The devestating effects of Ebola's hemorrhagic fever, and the mysteries surrounding its transmission, have created a sense of fear and insecurity around the world since the 1995 outbreak in Zaire. Yet Ebola represents only one of a number of new diseases which present a threat to all of mankind—at least 30 new infectious diseases have emerged in the last 20 years.

Even more familiar diseases like malaria present a cause for concern, as poor medical practices in Africa result in new, antibiotic-resistant strains of previously treatable infections. Consider this: each year, over 1,000 Americans return to the United States with malaria after spending time abroad. The mosquito that transmits malaria is still present on both coasts of the United States. Moreover, precisely because malaria has not been endemic in our country or in Europe in the late 20th century, it will be far more lethal in those regions than it is in Africa today should it be reintroduced.

Our national interest in Africa's emerging and reemerging diseases extends beyond the most immediate and urgent concern of international transmission.

AIDS in Africa exemplifies the economically draining impact of disease. It primarily affects young adults, the most productive segment of society, leading some experts to estimate that AIDS could cause a 2- to 3-percent reduction in the growth rates of developing countries' economies over the next 20 years. In turn, diminished purchasing power in developing country will result in diminished trade revenues and economic opportunities here at home.

Traditionally, U.S. interest in tropical infectious disease has varied according to the extent of our political and military involvement overseas. It seems clear that today's heightened volume of civilian human contact makes this an obsolete strategy. We should all be conscious of the risks that are presented to us.

Yet in 1989, a meeting of the American Society of Tropical Medicine and Hygiene revealed that neither American agencies nor the World Health Organization were adequately prepared for an epidemic emergency. Prepackaged disease hospitals and overseas high-security laboratories do not exist, nor does a clear chain of command in such an emergency. In the 1990's, a review of CDC surveillance systems determined them to be woefully inadequate within the United States, and so haphazard as to be nonexistent abroad.

Yet, information is one of the most critical elements of our epidemiological security, and surveillance and monitoring mechanisms on the African Continent are crucial to American interests.

Mr. President, at the Labor Committee hearing last year, Dr. David Satcher, Director of the Centers for Disease Control and Prevention, indicated that CDC received the first report of the 1994 Ebola outbreak in Zaire in May of that year, but the first case probably occurred in January.

Early warning systems simply did not exist. Likewise, the National Science and Technology Council reported that African doctors saw "slim disease," probably a herald of the AIDS epidemic, as early as 1962, but the dearth of technical and financial resources, as well as an absence of engaged, international cooperation, prevented the disease from being identified before the AIDS epidemic in the United States was well underway.

For all of these reasons, the emergence and proliferation of disease on the African Continent should concern Americans. Population shifts, urban overcrowding, eroding health and sanitation infrastructures, inadequate public education initiatives, and environmental mismanagement all contribute to disease proliferation in Africa, and in turn, that proliferation affects the United States

Mr. President, in this post-cold-war era, many in the policy and academic community are reassessing American vulnerabilities and global priorities. For example, I have strongly believed that nuclear, chemical, and biological weapons proliferation presented a clear threat to our Nation and have supported efforts to combat those dangers.

But traditional perceptions of national security do not encompass many of the new threats facing our nation. As I have argued, emerging infectious diseases in Africa are one such threat—presenting serious dangers to United States citizens abroad and at home.

American engagement, both explicitly through international disease prevention and control initiatives, and indirectly through encouragement of stability, social service reforms, and environmental responsibility, helps fight these emerging diseases, keeping both Africans and Americans strong, healthy, and secure as we prepare to enter the 21st century.

This is just one reason, Mr. President, why Africa does matter to us. I suggest it is a security threat, as well as a personal threat, and one that we should care about with interest and compassion, as we look to our own budgets, and as we look to our own strategists.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

Mr. GORTON. Mr. President, together with the distinguished chairman of the Energy and Water Appropriations Subcommittee, I came to the floor today to help deal with any proposals or amendments that might come up during the course of today's activities. In fact, I was in the President's chair last Friday when the majority leader asked for a unanimous-consent agreement listing almost an entire column in the CONGRESSIONAL RECORD of amendments that might be proposed to this bill. A handful were debated on Friday afternoon. All of the rest must be offered between now and noon, or between 2 and 5 this afternoon.

Obviously, we have not dealt with a lot of business at this point. It seemed

to me appropriate to speak about this bill and about its importance in general terms and, perhaps, to ask for some comments from the chairman, my friend from New Mexico, who knows so much about it, to whom it is so vital, both for his own State of New Mexico and for the entire country, and for our national defense and for our infrastructure.

Mr. DOMENICI. Will the Senator yield?

Mr. GORTON. I am happy to.

Mr. DOMENICI. Mr. President, I want to state one more time for Senators that we did receive 46 amendments. The Senator was alluding to them. The unanimous-consent agreement recognized these amendments as the only amendments that can be offered in the first degree, and many, many of them are to the water resources portion of this bill—we are beginning to ascertain, that is—the Bureau of Reclamation or the Corps of Engineers. We very much want to attempt to work out some of these amendments.

I just say to Senators who have amendments that the time is going to run out, and I know come 4 o'clock this afternoon, or even tomorrow, there are going to be Senators who will be somewhat upset. But we have now, through the good graces of the leader in this unanimous-consent request, had time since 9:30 this morning until 12. There are 2 hours, 1 hour on each side, on some additional matters, unrelated to this. We will come back at 2 on this bill, and we will have 3 more hours. At 5 o'clock, we are off this bill. So anybody who has not offered their first-degree amendments will have no opportunity. The Senate has just agreed that they are out.

Now, I know there are four or five amendments that address issues that are not water resource issues. I think I know what all of those amendments are, although I have not seen them. I ask, especially, that the Senators who have these serious amendments, let us see them as soon as possible. So if Senators have amendments that are not water resource amendments that they are going to offer, we ask that the Senators' staffs and their offices attempt to get us those amendments so that we have an opportunity to work with the Senators on them, or to adequately make our presentations.

I thank the Senator for yielding the floor. I am delighted that he wants to talk about the importance of this bill in many, many aspects of our future life in this country.

(Mr. COCHRAN assumed the chair.)

Mr. GORTON. I thank my friend from New Mexico. Mr. President, each of these appropriations bills with which we deal is long and very much detailed. Sometimes it is difficult even for Members, much less the general public, to have a true understanding of what is contained in them.

For this reason, I have asked my staff to prepare a series of charts or graphs on the appropriations for those subcommittees of the appropriations bills on which I serve.

Unfortunately, I only have a page-size one here for energy and water. It is for the bill for the current year, 1996. Due to the efforts of the Senator from New Mexico, we now have an allocation for 1997 that is roughly equivalent of that for 1996. So the distribution of the money for the current year is, I think, relevant to what we are dealing with.

Mr. President, I am sure your eyes may not be quite good enough to see anything on this chart other than the colors. But the red and pink portion of the chart show that the lion's share of this bill goes to the Department of Energy, which is not surprising. This is the energy and water appropriations bill. What, perhaps, is not visible to you is the fact that only about a quarter of it appears on the top of the chart, and that goes to the civilian activities of the Department of Energy for energy supply research and development—obviously important to our future—and for general science research and development. The Federal Government, through the Department of Energy, is one of the most important single sources of research for both energy purposes and for some other purposes as well.

All of the rest, close to three-quarters of this red and pink line, goes to defense activities, because it is the Department of Energy that is in charge of our nuclear defense. Curiously enough, of that defense activity, Mr. President, half really goes to the past. Half is continuing to pay for the triumph of the United States of America in World War II and in the cold war against the Soviet Union, because we built so rapidly our nuclear capacity, our nuclear defense capacity, that we did not learn at the time the dangers that nuclear waste would impose on this country. And we have stored most of our nuclear waste in a way that clearly is not permanent in nature and, clearly, threatens the environment—very particularly, in my own State of Washington, where at Hanford, the great majority of this nuclear waste is located, and all across many other nuclear facilities in the rest of the country as well.

So a good portion—maybe a third of this entire appropriation—really looks to the past, to taking care of the nuclear waste that we have already created, and that which will be created in the future. That is a very important part of this appropriation. It is a payment for past triumphs of this country, and it is a payment which is obviously due to those who are concerned with the environment of the United States and to those locations in which it is found. I spoke at greater length on Friday on the subject of Hanford and the beginning of a very real success on the part of the engineers and the others who work there at doing something about this waste.

Once again, Mr. President, this Department of Energy portion here is maybe a quarter for research into the future for the energy needs of the country, almost three-quarters for defense work, of which roughly half is really a payment for the past, rather than for our present security. This much shorter green line, Mr. President, is the Army Corps of Engineers. I believe I can say that every single Member of this body will have some interest in the work of the Army Corps of Engineers, as it works on all of our river systems, most notably in the State of the present occupant of the chair, my State, and all other States as well, in projects to control floods, to conserve water, to use it for agricultural purposes and the like.

Yet, this entire green line here includes not only the operations and maintenance activities of the Corps of Engineers, but a very small portion for our future. The top tiny little green line here is Mississippi flood control, Mr. President. But look at that in comparison with all of the other activities of this appropriations bill—an an extremely modest investment in a vitally important activity. But some of it, a portion that all of us are interested in, is for the construction of future projects on the part of the Corps of Engineers to make our ports deeper and safer; to create new areas in which we can conserve water for various public purposes, and the like.

Finally, the tiny orange line over here, insofar as the Department of the Interior and the Bureau of Reclamation for a similar project; and, lastly, a handful of independent agencies like the Appalachian Regional Commission, the Delaware River Commission, the Interstate Commission on the Potomac, the Nuclear Regulatory Commission, and the like.

Yet, we tend to think of all of these things in the sense of equivalents. They are not equivalents with respect to the amount of money that we put into it. A very, very large portion, probably close to half, of this entire appropriations bill is for defense activities both past and future, and much of it is for research.

As a consequence, it is important. It is a matter of interest to all of the Members of this body. It is probably the reason, as the chairman pointed out, that we have some 46 theoretically pending amendments to the bill even though the chairman has been very careful to listen to messages and requests from Members on behalf of their constituents. A significant number of projects, both in the research area and in the Corps of Engineers' operating area, are designed to build the infrastructure of this country, and, Mr. President, at a time in which we are

properly and justifiably concerned with bringing our budget into balance, a duty that we owe to our children and to our grandchildren, a moral duty to pay today for the kinds of services and projects we want in government.

As significant as that is, as significant as the views of this chairman are to that purpose, as he is, after all, the chairman of the Senate Budget Committee, it is important that we continue to invest in the infrastructure of this country, whether it is a physical infrastructure from the point of view of energy and water projects or a research infrastructure in better and more efficient and more effective ways in which to use all of the energy resources that we have in the United States of America—one or the other. These investments in infrastructure are vitally important.

So this is a really significant bill, Mr. President.

I see the chairman returning to the floor at this point. I wonder if he would explain, for the Members who are still considering whether or not to come to the floor to offer their amendments but even more significantly for the people of the country as a whole, something of the dynamics of this bill.

I say to the chairman of the committee, I believe that, due to his efforts, there is somewhat more money in this bill than there is in the bill passed by the House of Representatives. I also believe that this bill stays within the allocations which his subcommittee has been given, which in turn are a part of a set of allocations which could lead us to a balanced budget by the year 2002, if, but only if, we also show the courage and have the support from the President of the United States to deal with the overwhelmingly expensive entitlement programs of this country.

So, if the chairman could tell us a little bit about how he made his choices in connection with this bill and emphasize the fact that it is a part of bringing the budget into balance and say what he thinks the differences between us and the House of Representatives are and how we propose to settle those differences, I would appreciate it. I think both our other Members and the country at large would appreciate having that knowledge as well.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me first say to my friend from Washington that I thank him very much for the efforts he puts forth in every appropriations bill that he works on, but in particular I thank him for his knowledge and his effort in this one.

The Department of Energy, obviously, is very misunderstood. I am not here defending mismanagement or any of the things we read about that we do not think would be in the best interests of maintaining this Department and maintaining a Cabinet position.

But, first, in that regard with reference to the management of the Washington headquarters and the top-end governance of that Department, we have cut it 15.9—round numbers 16—percent. We believe, coupled with last year's reduction, that we are sending a very strong signal that the Department of Energy has too many people at the top end and, as a result, has an awful lot of regulations that are forthcoming with reference to the efforts out in the field that are duplicative, that are unnecessary.

In fact, one of the major studies with reference to the laboratories that are owned by the Department of Energy and run under different management schemes—some run by the universities such as Livermore and Los Alamos, some run by management teams of the private sector such as Lockheed Martin, which runs Oak Ridge and Sandia—but one of the major reports was issued by the former chief executive officer of Motorola, Mr. "Bob" Robert Galvin. In that report the indication was that the laboratories are having a great deal of difficulty being efficient because there are too many rules and regulations.

We are looking forward to the Department of Energy, which continues to say they are working at that, we are looking forward to their quantifying at some point and saying that laboratories can run without this enormous labyrinth of rules built one on top of the other.

But in the end, what people must understand about the Department of Energy that I think is of utmost importance is that a very large piece of the Department of Energy is defense activities. There are some in this body, some in the other body, and some within the Department of Defense, and some former Cabinet people within the Department of Defense who frequently make the case that the Department of Energy does not do its defense work as well as some of them would like.

Nonetheless, I must remind everyone that one of the things we can be most proud of by way of government doing a good job is how well we have succeeded throughout the confrontation with the Soviet Union in keeping the world from having a nuclear holocaust. What has happened is we created a stalemate, and we created such a vast array of information in these laboratories, the three that are the big ones that are determined to be in that business, along with Oak Ridge as a fourth one, we were always a step ahead. But all of the nuclear defense activities have been in the Department of Energy, or its predecessor, the civilian department, throughout the entire episode of the conflict with the Soviet Union. They have not been in the Department of Defense. They have been in the Department of Energy, or ERDA, its predecessor, or even the predecessor to that.

In this bill for weapons activities and other defense activities—there is $3.46 billion, more or less, for weapons activities in the budget request of the President, and we have funded that at $3.9 billion, about $500 million higher than the President's request.

Frankly, we believe that in funding that at about $500 million higher than the President, we have attempted to make sure that the goals and objectives of this President and his Department of Energy and his Defense Department, the goals and objectives with reference to a totally new way to handle our nuclear weapons is appropriately funded.

Now, those who are critical of the Department of Energy should know that there is a very large portion of this budget that is Defense Department oriented. And is it an important function? This Senator assumes—and I think my friend from Washington supported this—that when we provided in the big budget $12 billion additional money for the Defense Department—and we did that, and we are willing to take the heat from that. That is an ongoing debate. We prevailed here, and we are funding defense overall at a higher level than the President asked for by about $12 billion. We assumed throughout this DOE defense function, which has to do with our nuclear weapons and the maintenance of them, which I will explain in a moment, we should give them a slight increase as we did the rest of DOD's work, so we assumed a comparable 4.3 percent increase in those activities because that is how much we increased the Defense Department. Frankly, I believe every single bit of that is going to be used in an advantageous way with reference to our nuclear stockpile and our nuclear cleanup which I will talk about in a moment.

Mr. GORTON. Will the Senator yield for a question?

Mr. DOMENICI. Yes.

Mr. GORTON. That $12 billion increase in defense as a whole is over how long a period of time?

Mr. DOMENICI. That is fiscal year 1997, 1 year.

Mr. GORTON. So $500 million is in this bill, and the remainder of it is in the bill that has already passed?

Mr. DOMENICI. That is correct. Two bills, military construction, commonly known as MilCon, and the defense appropriations bill. The rest of it is in there. But $500 million of the $12 billion went to DOE defense. And that can include nuclear weapons activities, but it can also include nuclear cleanup, which, incidentally, the Senator has so described here that everybody should look at.

Mr. GORTON. I thank the Senator.

Mr. DOMENICI. In 1989, this pink portion of the Senator's chart called "Defense Environmental Restoration and Waste Management" was $800 million. It is now in excess of $5.5 billion.

And actually, everybody understands that we must clean up the leftovers in the Senator's State, in the Savannah River area, in a couple of other areas in the United States, we must clean them up because that is our responsibility, and it is a leftover defense activity. So we pay for it here. So whenever we talk about defense money, unless somebody wants to take that out and say it is no longer a defense function, in which event I assume we would reduce defense spending by that amount and put it in some other civilian funding, that amount is in this appropriations bill and in every other one.

Now, I want to comment on two other things.

When we were involved in the confrontation with the Soviet Union, we had a number of things that we have since decided we would not do. First, we did underground testing. For some—and I am not attaching any quality to this debate—we should have stopped them a long time ago. But for those who have to be accountable for the quality of the weapons, they were very reluctant to give up underground testing. We finally voted that in here in the Senate. It was a Hatfield amendment to stop nuclear testing other than in case of an emergency, subject to the certification of the President, it might start again.

I am not going to talk much about why testing was important to those who make bombs and keep them safe. Let me say those are goals without any serious contention. Almost everybody says that was a benefit in that regard.

Now, this Department, starting about 2½ years ago, is involved in a whole new way to maintain our nuclear weapons. And as I have said before, when we talk about keeping this new inventory of nuclear weapons, it would be wonderful to come to the floor and say we do not need them anymore; we are not going to have any. But we are going to have them for quite a long time, and it is a rather large number—not nearly as large as before. It is coming down dramatically in number.

But a new charge was placed on the laboratories by the Department of Energy and agreed to by DOD. It is called the science-based stockpile stewardship. We are now being asked to maintain a stockpile of a given number of thousands of weapons in a trustworthy, safe, secure, and deliverable mode without any testing underground and without manufacturing any weapons, for we are not making any new nuclear weapons. In this bill, we do not have money to make new nuclear weapons, and all the money for nuclear weapons is in this bill. If it is not here, it is nowhere.

But the stockpile stewardship program based on science will require new facilities, new science techniques to make sure that we know whether, in some of these weapons which are 25 and 30 years old, certain parts have to be replaced. And they are not all nuclear related. There is a huge number of parts that are just related to the mechanics of a good weapon, of a weapon that is appropriately safe and trustworthy. To do that we need more resources, and we need to convert our major laboratories to that work.

We believe it is a real challenge. We believe it is imperative that we give these scientists the same kind of recognition that we give to our defense people. When we say we need the best defense people, we need to pay our military men and women the best, we need to give them the best opportunity to serve us well, we have to, in my opinion, say the laboratories that are preserving this healthy situation are akin to our military people.

They are not military people. And I think many say, thank God, they have not been, for we have never since Harry Truman's time wanted to put the maintenance of a nuclear weapons compound and all that goes into it in the Defense Department. We said you give us the criteria; we will deliver them; you make sure that in fact they are what we say they are but let civilians do that. So we chose in this bill to put more money in various functions of the stockpile stewardship program.

Mr. President, none of us are thrilled with the efficiency of the nuclear cleanup activities. The distinguished Senator from Washington, who has millions of dollars being spent to clean up Hanford, has regularly indicated his great displeasure at how long it is taking and how we are standing in place instead of running. But the point of it is we have to put money in that. We have $200 million more in that overall program than the House did. We will have to defend that in conference. We are going to maybe defend it on the floor. I do not know of an amendment yet, but I can see in that amendment a reduction in the cleanup. There is an amendment offered by Senator BUMPERS which would cut back on the stockpile stewardship in its broadest sense as I understand the amendment.

Now, I want to make one last observation. I said I had two. We have put together in the national laboratory systems of the Department of Energy a huge labyrinth of great equipment to do research projects. And probably it is fair to say that over 40 years there was assembled in the nuclear deterrent laboratories and the others, including Oak Ridge, the biggest science talent in a group in an institution, science and engineering talent of anywhere in the world. And certainly in America with 7,000 or 8,000, 9,000 scientists with all those that support them at some of these institutions, we were always able to get the very best, phenomenal in terms of their research. So there developed within that system research on major deep science and physics issues, and in this budget we have maintained an effort in high-energy physics, nuclear physics, biological and environmental research second to none in the world. It is not a huge portion, as my colleague pointed out, but high-energy physics and nuclear physics are among the premier efforts at finding out the nature of matter, the real nature of atoms and every part of atoms, the atomic structure and everything within it, to find out clearly what is in this universe of ours. We should never stop that research. America is the leader there, and we should continue to be the leader.

We do biological and environmental research. Incidentally, the greatest wellness health research program, one-third of it, is in the Department of Energy. That is the program called genome research, which will map the entire chromosome structure of the human body, map it and hand it to the scientific community so they can then proceed to effect cures over time of the great diseases. That is in here for about one-third of $189 million, whatever that number is, for national programs, about $189 million, and we have a third of it here.

We have geothermal and fusion research. We have solar and renewables. There will be an amendment on the floor to add some money to solar and renewables. That amendment will add about $23 million. The Senator asked what some of the amendments are about. That has been put together, we understand. Senator JEFFORDS has been the leader on that, and we will try to work that out with him.

Obviously, since I spent the last 10 minutes talking about the Department of Energy, then I must spend a few moments on the other aspect of this bill. Because, as the Senator's chart so adequately depicts, this bill also covers the Bureau of Reclamation, the Corps of Engineers, the Appalachian Regional Commission, Defense Nuclear Facilities Safety Board, Tennessee Valley Authority, Nuclear Regulatory Commission, and the Nuclear Waste Technical Review Board. These are nondefense activities that are in this bill that are very important. Almost all of the 47 amendments that I alluded to awhile ago that were at least reserved by Senators, almost all of them had to do with these functions that I just elaborated; in particular, the corps and the Bureau, for the most part. I did not say all of them, but for the most part.

So, when we have to fund this at a freeze for nondefense, it is not possible for us to grant an awful lot of new program startups and the like for the Bureau of Reclamation or the corps. We have done our best in the bill. If we can save some money in some of the amendments that are being offered in that area, we will try to accommodate some of the States' desires, as evidenced by the reserved amendments

from Senators who are seeking to continue projects or to take an authorized project and fund it in this bill. I think that is very important.

Obviously, there are many who wonder about the Federal Government's involvement in flood protection—until there is a flood. Then everybody thinks the Federal Government should be involved. If that is the case, when there is a known flood potential, when there is a situation with a high propensity for floods, why shouldn't we be part of preventing it on some kind of a match basis? We have done that for a long time.

There is not as much money going into flood protection, but there is some, and there is a match required at the State level and a cost-benefit ratio, meaning it must be found to be beneficial and that the risks far exceed the costs that we are going to put into the project. That is what we are trying to do there. So this is an interesting little bill. It is not the biggest appropriation bill, but it is pretty important.

I want to repeat for those who are very concerned about the defense of our country, I am trying my best, the Senator from New Mexico is trying his best, every chance that he can, to explain that there is a major defense activity in this subcommittee. It is not all in that Defense appropriation and MilCon bill. If we want to be certain about how we are handling the nuclear stockpile, we ought to make sure we are adequately funding the stockpile stewardship program. At the same time, we have to maintain some of the facilities that are not part of the stockpile stewardship, but rather part of "if we have to go back to the old way," we have some facilities that are there on a conditional basis, ready to be used. That has been insisted upon by the defense leaders of our country. So that means we cannot abandon the State of Nevada's testing facilities because, in fact, what if we need to use them again?

I note today, as we speak, China is undertaking an underground test, as I read about it. They say it is the last, and they will soon sign a big international treaty. On the other hand, you do not have to believe, when they say that is the last one, that they are going to abandon all their facilities. I do not believe that is the case. Russia is trying to build down, but their facilities are not being abandoned. So there is a little bit of added expense there, but I think it is very important expense.

The last thought has to do with nonproliferation. It is related to what has been going on in our country in terms of the recent bombing and TWA flight 800 that fell out of the skies. The whole issue of nonproliferation is no longer simply a nuclear nonproliferation issue. But, in that regard, this bill espouses a concept. The concept is, if we can spend some money helping Russia make sure that their nuclear devices and the science that goes into them are not shipped around the world but rather are dismantled in an orderly manner and their scientists put to work at something else, it is in our security interests. That is not foreign aid. That is security aid for us.

The Nunn-Lugar-Domenici amendment, which was adopted here in the Senate in the armed services bill and partially funded in this bill, has a lot to do with trying to move ahead with making Russia's dismantlement more secure, more certain, and safer for the world. It has a couple of interesting projects—partnership with laboratories here and business in an effort to keep some of their great scientists from succumbing to the offer of money to move to other countries to become bomb builders.

The Nunn-Lugar-Domenici bill has some civilian defense in it with reference to disasters that might be forthcoming from chemical and biological incidents. There is a new interagency coordination, a new National Security Council position to coordinate responses to terrorism, international crime, and nonproliferation. There is a major effort, some of which is vested in the laboratories of the Department, to come up with the best approach to containing chemical and biological weapons of mass destruction from the very bottom up: Identifying how they are made, identifying ways that they can be prevented in some generic ways. So we are slightly ahead of the curve in getting that started and getting it funded. That took a little of the extra money that is in this bill.

In summary, we have succeeded, in the U.S. Senate, in getting $200 million more in the nondefense parts of this bill than the House has in theirs, and $700 million more in all of the Department of Energy's defense activities from cleanup, which we call defense, to the science-based safeguards new system, and other needs to maintain a dual track with reference to our nuclear weapons.

I thank my colleague very much for raising the issue about the bill and for the discussion that ensued. Since there is no one here to offer an amendment, I assume this was worthwhile.

I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I would like to take a few moments to comment on the bill which is before us.

First, I salute the Senator from New Mexico and the Senator from Louisiana who are the leaders on this particular measure. I think they have done, by and large, an outstanding job. I hope we can move ahead as quickly as we can to approval of the measure before us, although I am certain some amendments will be in order.

Once again, I emphasize that over the years, as has been alluded to by the Senator from New Mexico in his remarks, his excellent remarks just concluded, the Energy Department has played a much larger role in national defense and national security than is generally recognized.

One of the problems that I have seen in this area, of course, is that generally we refer to the $260 to $270 billion annual appropriations for national defense. To give us a true picture of that, we should add on the billions of dollars included in the Energy Department under the discretion of the appropriators who have, for many years, taken a very close look at the operations of the Department of Energy. I urge them to continue that effort, as we in the Armed Services Committee do.

Generally speaking, there has been excellent cooperation between the authorizers of these funds, the Armed Services Committee, on which I have the honor to serve, and the appropriators, working in close cooperation with the appropriators, especially in the Energy Department, with regard to a whole scope of international relations and international security.

I emphasize, once again, the excellent remarks made by the Senator from New Mexico with regard to the excellent job that is done by two of the national laboratories that are located in his State. Certainly, I agree with him completely that the new challenges that we have placed on the Department of Energy, and especially under the laboratories that they oversee, with regard to the safety and reliability of our nuclear stockpile is very important.

I have been one of the leaders from the very beginning to end, if we possibly can, nuclear testing of any type, but, of course, that remains to be seen as to whether or not we can get the rest of the nuclear communities around the world, other nations, to agree, because certainly, although I have pressed hard for the nuclear test ban treaty, I recognize and realize that we cannot go it alone forever, which brings me to a matter that I call to the attention of the Senate.

Today in Geneva, Switzerland, the world peacekeepers, the negotiators, in an attempt to end the testing of nuclear weapons, are going into a fateful 2 or 3 days. Evidently, although there has not been a great deal of attention paid to this, unfortunately, I think it is one of the most meaningful international negotiations that we have ever seen, and I believe the success or failure of those negotiations, which are reopening today in Geneva, Switzerland, will go a long way to assure, if we can get the nuclear test ban treaty extended and signed, man's humanity for mankind more than anything else that we can do.

I will say that I am very pleased to read in the newspapers this morning

that evidently all nations that are considered nuclear states, or possibly nuclear states in the future, have agreed to sign on to a continuation of the nuclear test ban treaty with the exception of India. India, of course, is pursuing a course that is most difficult for most of us who have followed this with great interest to understand: Their continuing to say to the international community that they will not sign on to any kind of an extension of the nuclear test ban treaty so long as the nations of the world, the five big nations, primarily, and others, agree to dramatically reduce and get on a course to end the stockpile of nuclear inventory.

While that would, of course, be something that might be good for peace, on the other hand, it might not be. The whole drive today is not to eliminate nuclear weapons from those nations that now have it. The whole concept of a nuclear test ban treaty is to put roadblocks in the way for new states, particularly Third World nations coming aboard and being part of the nuclear inventory states.

That can only be very foreboding, as far as the future of peace is concerned, and especially the future of peace on the basis of not having and relying primarily—and I emphasize the word "primarily"—on nuclear inventories.

Suffice it to say, Mr. President, a lot of very important things are going on today. I happen to feel that, by and large, the measure that has been advanced to the floor of the Senate by the appropriate subcommittee, in this case energy, is a good bill. I think it is an important step in the right direction, with some modifications and lots of compromises.

In closing, I compliment, once again, the two Senators who are managing this bill on the floor for the excellent understanding that they have, the grasp that they have with regard to the whole complex matter of not only national security but international security. I thank them for their attention and thoughtfulness on this particular measure.

I thank the Chair, and I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. GRAMS). There will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m. with the time between 12 noon and 1 p.m. under the control of the Democratic leader and the time between 1 p.m. and 2 p.m. under the control of the Senator from Georgia [Mr. COVERDELL].

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered. The Senator is recognized.

NETDAY EAST

Mr. ROBB. Mr. President, I rise today to speak briefly about an exciting new project called NetDay East, which is mobilizing volunteers in several States, including the Commonwealth of Virginia, to wire our public schools for the Internet. It is exciting, Mr. President, because of how the Internet has transformed the way people communicate and expanded access to information worldwide.

Our challenge now is to bring this technology into all of our Nation's schools as quickly as possible so that all students, regardless of their economic status or where they live, have access to the same global library of knowledge and information to compete on a level playing field.

The biggest barrier has been the lack of money and manpower needed to physically wire the schools to the Internet. Laying the necessary cable to link our K–12 classrooms is estimated to cost billions of dollars nationwide.

But a project in California has showed us that we can overcome this obstacle if we mobilize our communities and work together. In 1 day, California wired 3,500 schools at little or no cost to the schools themselves through the outstanding volunteer efforts of parents, teachers, students, businesses, and elected officials.

Because of the vision and commitment reflected in their NetDay, hundreds of thousands of young Californians will be able to experience a new global world of unlimited possibility with the stroke of a key.

As one who cares deeply about education and surfs the Internet from my Senate office, I am delighted to be a part of NetDay East. Modeled after California's project, NetDay East is now organizing to cable schools every weekend in October in Virginia, the District of Columbia, and Maryland. Similar efforts are taking place in Massachusetts, North Carolina, Montana, Connecticut, and Louisiana as well.

Mr. President, an estimated 40 million people from more than 150 countries use the information superhighway. They include Kathleen Butzler at Northampton Middle School who can lead her seventh grade class on a virtual tour of the White House or talk to a Member of Congress without leaving their home in Mochipongo on Virginia's Eastern Shore.

We shouldn't forget that the Internet is a two-way communications tour. Through NetDay East, thousands of Virginia students will be able to create Web pages, like those at the Northampton Middle School, to teach the rest of the world about the treasures of our beautiful and diverse State.

This technology is fascinating and could very well be the spark to ignite the imagination in children who would otherwise be disinterested in school work. Capturing the interest and imagination of our students through this technology can yield enormous future benefits, for students with access will have a distinct advantage over those who do not. We cannot afford to let our schools slip behind those of our international competitors when the technology, technology that we created, is literally right at our fingertips.

There are many ways to participate in NetDay, Mr. President. Businesses can contribute in a variety of ways, including partnering with local schools, purchasing wiring kits, lending technical staff, and encouraging their employees to volunteer.

Individuals can help pull wire in schools, since installing this type of cable requires a great deal of labor but very little technical expertise.

Schools can register to be a part of this project and encourage their parents to volunteer and promote NetDay. This October on a Saturday, my staff and I plan to help cable A.P. Hill Elementary School in Petersburg, VA, as a part of NetDay East. We will also be doing a demonstration project in Northern Virginia right after school starts in September.

There is no question, Mr. President, that when we wire schools for the Internet this October, we will complete just the first step in a much greater effort to help young Virginians and young Americans in other States travel the information superhighway.

It is a first step, but it is certainly an essential one. There will be much to do to finish the job, including arranging for Internet connections, training students and teachers in the effective uses of the Internet and helping to acquire computer donations to the schools. I hope NetDay forms an important and productive alliance between our communities and our schools that can continue well beyond October.

Finally, I fully endorse NetDay East, and I encourage others to join us during the month of October to participate in this modern-day barn raising.

If anyone would like to sponsor, volunteer, endorse, sign up their school or just find out more information, please visit the NetDay East home page at "www.cgcs.org/netday-east."

For anyone who does not have access to the Internet, I invite them to contact my office, and we will certainly assist them with registration.

With the help of many caring and committed individuals, Mr. President, we can keep our children off the wayside and ensure they move swiftly and surely forward on the information superhighway.

With that, I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRAGEDY AT THE CENTENNIAL OLYMPICS

Mr. COVERDELL. Mr. President, I have just returned from the Centennial Olympics in my home city of Atlanta.

I ask unanimous consent for a brief moment of silence for those who died or were wounded in the bombing the other evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

[Moment of silence.]

Mr. COVERDELL. Mr. President, we, of course, extend our grief and condolences to the family of Alice Hawthorne from Albany, GA, and for Melih Uzunyoz, a Turkish national, both of whom lost their lives in a terrorist-related bombing that occurred at approximately 1:20 a.m. the other morning. Also, we extend our concern and prayers to the 110 casualties that occurred during the bombing and to the 17 who remain in the hospital.

Mr. President, we all owe a group of law enforcement officers a deep debt. The officer who spotted this bomb and his colleagues, in the face of grave danger, were heroes, in every sense, of the Centennial Olympics. In the face of danger themselves, they remained on site, and with every avenue available and open to them they tried to evacuate the crowd from the area of danger. I am absolutely convinced that, without their diligence and duty, the casualties would have been far, far greater. So these officers, these men and women, who tried to evacuate the park are due a deep debt of gratitude from all of us.

Further, the volunteers and officers who stayed, not knowing whether there was a series of bombs, to help those wounded receive comfort, aid, and assistance so that they might be appropriately hospitalized, performed admirably, incredibly in the face of grave danger. To all the officers, the men and women, Federal, State, and local, who in the following hours did everything within their power to bring order to the situation, and who were deluged with what I characterize as thrill-seekers reporting bombs in other venues, other high-density areas. With precision and expertise and valor, they proceeded to secure this great world event in our State and in our Nation. So my hat is off to these people. Again, the word "hero" comes to mind.

Mr. President, I was first notified of this incident at 3 a.m. in the morning. By 6:30 that morning, I had been in touch with the law enforcement command center, which I visited to try to take stock of the situation. It was a gloomy, dark night, drizzling, and as you might imagine, a sense of great concern and pall fell over all of us. As I was driving back pondering what it was that all of us were confronted with, as I was driving into the city, I looked at the interstate that you have to walk over, which many fans have to walk over in order to get to the grand Olympic stadium, and there was a vision of valor, defiance, courage, and will—the fans. There they were. I could not believe it. I looked up and, by the thousands, they were walking onto the stadium and throughout the city to the other venues.

It will, in my judgment, be a mark of heroism, broad heroism, on a par with the athletes themselves, because this world community gathered up and said, "No way; we will not be intimidated. We will go on with the games." Not only did IOC proclaim the games would go on—that is a statement—but the key was that the world community said, "The games will go on." The families, the children, all alike, everywhere you went, were coming out to say that the Centennial Olympics is bigger than this heinous act against defenseless and helpless citizens.

In many ways, I think it will mark a period of great thought for us in this country. The Presiding Officer, among others, is very much aware that there has been a growing discussion and debate. I think it probably ultimately will call for vaster resources, a better capacity to deal with this kind of era that we approach as we come to the new century. But, for a moment, I had a chance to personally see a broad statement of valor by people from nation after nation. I talked about it all afternoon. One volunteer had been coming in on the rapid transit system that morning, and the car, of course, as you might expect, was crammed from side to side with people of every nation—Dutch, German, American, and the like—and the fans broke out into song singing as they went on to the venues.

So, again, Mr. President, our grief to the families involved, our thanks to those that stood in the face of danger to help, and our acknowledgment of a heroism and a worldwide statement that was made in Atlanta the very next morning as the centennial games continued.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, under the previous order, I am to be recognized during morning business for a period of 60 minutes.

I ask unanimous consent that during this period I be permitted to yield portions of my time to other Members without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DRUG EPIDEMIC

Mr. COVERDELL. Mr. President, as I have said many times on the floor, we are in the midst of a drug epidemic in the United States of enormous proportions that are not yet, I do not believe, fully comprehended. Drug use among our youth has doubled in the last 36 months, ending 12 years of a continued decline in drug use.

Mr. President, this administration, unfortunately, has to come to terms with this issue because it is pretty clear that its decision to shut down the drug office, to shut down interdiction efforts, to dramatically curtail the war on drugs, and to the change policy regarding rehabilitation has had some very, very uncomfortable consequences.

What does it mean when you say drug use has "doubled"? Does that mean two more people use it? No. What it means is there are 2 million American families who have fallen victim to the tragic consequences of involving themselves in drugs.

Mr. President, in a moment I am going to yield to the distinguished chairman of the Judiciary Committee, the senior Senator from Utah. But let me say that among the data we are now discovering is the fact that our youth currently do not see drugs as a threat to them. How could that be? How could it be that the vast majority of youngsters no longer see that as a threat to them? Therefore, they are not concerned about it. Therefore, they use it more freely. Therefore, twice the number use it today.

I just have to say that over the last several months, this cavalier attitude from the President's press secretary and others and the revelation about drug use in the White House itself—I mean, everybody understands the White House is a bully pulpit. If that pulpit is sanctioning, or appears to be sanctioning, or appears to be minimizing the serious effects of drug use, it should not be surprising that our young people do not understand the consequences.

I am afraid that what has surfaced over the last several weeks—the word that comes to mind is "cavalier"—is that it is not really important, that

message has created a very, very serious repercussion in our country. It has to be turned around and changed quickly.

Mr. President, with that opening statement, I yield up to 15 minutes to the distinguished Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized for 15 minutes.

PRIVILEGE OF THE FLOOR

Mr. HATCH. Mr. President, I ask unanimous consent that Patrick Murphy, a detailee on my staff, be granted floor privileges for the remainder of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, our Federal drug policy is at a crossroads. Unfortunately for Americans, drug control is not a national priority for the Clinton administration. For some time now I have been saying that President Clinton has been AWOL—absent without leadership—in the war on drugs. Put another way, the Clinton White House has been MIA in the drug war—mired in arrogance. Ineffectual leadership and failed Federal policies have combined with ambiguous cultural messages to generate changing attitudes among our young people and sharp, serious increases in youthful drug use.

This is painfully evidenced by this chart on my right, which shows that after a 12-year steady decline in drug use by high school seniors, from 1980 to 1992, there has been a sharp increase in such drug use during the last 3 years. As you can see, the decline came from 1980 downhill in every one of these categories, and in every one of the categories since 1992 drug use has started to go up sharply.

Even more troubling is that this increase has been uniform as to those who have used drugs in the past month, in the past year, and those children trying drugs for the first time.

No one is more responsible for our current dilemma than President Clinton. For more than 3 years, I have taken to the floor of the Senate to warn my colleagues and the Nation about the threat we face due to President Clinton's abdication of leadership in the war on drugs. What also troubles me is that a defeatist outlook in the drug war appears now to be supplemented by a softer attitude tolerating or excusing drug use.

The Clinton administration has caused serious damage to this country as a direct result of failed policies and absent leadership in the war on drugs. Indeed, as one more manifestation of the administration's arrogance of power, we now know that the White House strong-armed the Secret Service into granting security passes for at least a dozen persons who had engaged in the recent use of, among other illegal drugs, crack cocaine and hallucinogens. In responding to questions concerning this matter, White House spokesman Mike McCurry disdainfully suggested that prior drug use was no big deal. What a terrible message to send to the country, especially to our young people. Where was President Clinton during this episode? Why didn't he admonish his spokesman? When will someone at the White House acknowledge that drug use is a big deal.

To his credit, Mr. McCurry has expressed regret for having been so cavalier; but, it is quite telling that it was the President's spokesman who expressed this attitude of tolerance for drug use. Remember, this is the same President who named the stealth drug czar Lee Brown and Surgeon General Jocelyn Elders, a proponent of legalizing drugs.

Let me be clear. I am not suggesting that people who experimented with drugs in their youth are categorically unfit for public service. But we should not make room at the policy table for those who have used drugs even as students and believe that their drug use was not a serious wrong, unfortunate step in their life. Nor should those who still use drugs or have recently done so be given a public trust especially in the White House. It is this mindset which will result in defeat.

Both President Reagan and President Bush led from the front on this war, confronting our Nation's drug problems head on with positive results. As a Nation, we were committed to winning the war on drugs, and we were making gains. Since President Clinton has assumed office, his administration's campaign against drugs has been in full retreat, and America is now losing the war.

During the Reagan and Bush era, the United States saw dramatic reductions in casual drug use. From 1977 to 1992, casual drug use was more than cut in half. Cocaine use fell by 79 percent, while monthly use fell from 2.9 million users in 1988 to 1.3 million in 1992. Such reductions were achieved not by hollow rhetoric but through sustained, visible use of the bully pulpit, increased quantities, a clear and quantifiable antidrug policy and, most important, strong Presidential leadership. Substantial investment of resources, coupled with the effective use of the bully pulpit, caused a strong reverberation of antidrug sentiment throughout this Nation.

From his very first days in office, President Clinton was derailing the effective approaches of prior administrations. Although he promised to "reinvent our drug control programs," and "move beyond ideological debates," the President announced a new approach to drug policy, deemphasizing law enforcement and cutting interdiction. He called his approach a controlled shift. In hindsight, it has been an approach of reckless abdication. The Clinton administration renounced the proven policies of previous administrations and instead oversaw the following:

Federal illegal drug caseloads were reduced by 10.3 percent from fiscal year 1992 to fiscal year 1995;

The Governmentwide interdiction budget was cut by 39 percent since 1993;

Supply reduction has been put in utter disarray, with a 53 percent drop in our ability to interdict and push back drug shipments in the drug transit zone;

Between 1992 and 1994, cocaine seized by the Customs Service and Coast Guard dropped 70 percent and 71 percent, respectively.

The National Drug Control Policy staff was cut from 147 to 25, but Congress did restore funding for adequate staffing levels this fiscal year, and with the President's approval finally admitted that they were wrong;

The administration's fiscal year 1995 budget proposed to slash 621 drug enforcement positions from the DEA, INS, FBI and Customs Service;

From 1992 to 1995, the Drug Enforcement Administration lost 227 agent positions, more than 6 percent of its agent force;

President Clinton signed legislation repealing mandatory minimums for some drug traffickers and dealers;

And agreed to more than $230 million in cuts to drug education and prevention funds in 1993.

It really is no surprise, therefore, that as the administration has turned a blind eye to this problem, drug dealers have flooded our Nation's streets with more illegal drugs and steadily declining prices.

For example, as this next chart here reflects, the last several years have seen a dramatic drop in heroin prices. Since 1992, it has dramatically dropped. In fact, you can see it dropped very dramatically there, and then the purity, of course, has been going up. So the drop in heroin prices, combined with the dramatic increase in the purity of such heroin on the streets, has been catastrophic.

The conclusion that can be drawn from these facts is clear. Supply is way up on our city streets resulting in more lethal drugs being available to our children at a much cheaper rate. Despite such glaring evidence, the Clinton administration continues to remain silent on addressing this problem.

In short, since 1992, the bully pulpit has gathered dust, liberal soft-headed policies have been implemented, and a mentality of tolerance for drugs has taken root. As a result, almost every available indicator today shows the United States is losing our fight against drugs. Let us just consider some of the evidence.

First, drugs are cheap and more available. Since 1993, the retail price of

cocaine has dropped by more than 10 percent. The price of heroin has plummeted from $1,647 a gram in 1992 to $966 a gram in February 1996.

Second, since President Clinton took office, the number of 12- to 17-year-olds using marijuana has almost doubled—2.9 million kids compared with the 1992 level of 1.6 million. According to a most recent University of Michigan study, one in three high school seniors now smokes marijuana, and 48.4 percent of the class of 1995 had tried illegal drugs.

You can see why I got so upset when Mr. McCurry made his comments. Now, to his credit, he has basically apologized for those, and I accept his apology. But it should never have happened to begin with. And it is this tolerance in the White House that is causing these problems. It comes through to these kids and to everybody else, it seems to me.

Third, the number of cocaine and heroin-related emergency room admissions has jumped to historic levels. In the first half of 1995, cocaine-related emergency room cases were 65 percent above the level in the first half of 1991. Heroin admissions soared 120 percent over this same period of time.

Fourth, methamphetamine use has soared with meth-related emergency room admissions in 1995 increasing by more than 320 percent since 1991. And yet, I might add, someone on the other side of the aisle is blocking consideration of a bipartisan Hatch-Biden methamphetamine bill. I urge the President to call off his guardians of gridlock so we can pass this bill that is critical to this country.

Fifth, LSD use has reached the highest rate since recordkeeping started in 1975. Fully 11.7 percent of the class of 1995 had tried it at least once.

That is mind-boggling.

The widespread increase in illegal drug use is not surprising when the relative ease in which these drugs are now brought across our borders is considered. Recent reports indicate that Mexican drug cartels are no longer interested in merely crossing our southern border to peddle their drugs. Ranchers along the Texas and New Mexico border are now finding themselves being forced to sell their border properties to these armed thugs. They are getting plenty of money for it. Why would they pay these exorbitant rates? But people are afraid not to sell to them for fear they will be killed.

As a result, a virtual superhighway for illegal drug flow into this country is being created—some say has already been created.

We are literally losing ground against drugs. In an effort to call attention to this disturbing development, I will be holding a hearing in the Judiciary Committee this Wednesday on precisely these points: What is happening on our southern border?

Due to President Clinton's failure in the drug war, our children are at greater risk, our law enforcement efforts are strained more than ever, and our borders, it appears, are now being bought up by drug smugglers.

To his credit, President Clinton named Gen. Barry McCaffrey as his new drug czar. General McCaffrey is a committed man. I have respect for him. But it may be too little too late. Such 11th hour tactics do not obviate one absolute truth: For the last 3 years, in the battle to regain our streets from the plague of illegal drugs, this administration has let our country down.

The Nation must have effective moral leadership in this war against drugs. The President has turned back the clock 20 years in the drug war. He has hurt this Nation by his lack of leadership on this issue, and it is time to turn this retreat around.

I again call on our President not just to join, but to lead an attack on illegal drugs and their use in this country.

Mr. President, I ask unanimous consent that a summary and a series of excerpts of relevant reports be printed in the RECORD. They are most informative. I urge my colleagues to read them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY

KEY FINDINGS

Losing ground against drugs

1. The number of 12–17 year-olds using marijuana increased from 1.6 million in 1992 to 2.9 million in 1994.

2. The number of individuals prosecuted for federal drug violations dropped from 25,033 in 1992 to 23,114 in 1993, and still lower to 21,905 in 1994—a 12 percent drop in just two years.

3. Street-level heroin is at a record level, even as the price of a pure gram fell from $2,032 to $1,278 per gram between February 1993 and February 1995.

Setting the course: a national drug strategy

1. Attitudes among teenagers about the dangers of drug use are changing—for the worse. After more than a decade of viewing drugs as dangerous, a new generation increasingly sees no harm in using drugs.

2. The President has abandoned the bully pulpit against drugs and radically reduced the staff of the Office of National Drug Control Policy from 147 to 25, rendering it largely ineffectual.

News conference from National Drug Policy Director McCaffrey

1. Heroin's popularity continues to rise and inexperienced dealers are selling dangerous mixtures called heroin "cocktails" which have hospitalized more than 120 people in May alone.

2. Methamphetamine, Rohypnol, Ketamine, Quaaludes, and ephedrine are drugs emerging as "club drugs" and continue to rise in popularity among young adults.

The Clinton administration's continuing retreat in the war on drugs—Heritage Foundation

1. The Clinton Administration's failure to appoint effective leaders in key positions to articulate and enforce a strong anti-drug message has seriously undercut drug efforts.

2. Former drug-policy Director Lee Brown attributes the "troubling" decline in prosecutions to "the policies of the new U.S. Attorneys who de-emphasized prosecution of small-scale drug offenders."

Adolescent drug use likely to increase again in '96—Partnership for a Drug-Free America

1. Driven by increasingly lax attitudes about marijuana, America's teenagers are seeing fewer risks and more personal rewards in drug use. They are less likely to consider drug use harmful and risky, more likely to believe that drug use is widespread and tolerated, and feel more pressure to try illegal drugs than teens did just 2 years ago.

Journal of the Clandestine Laboratory Investigating Chemists Association

1. Numerous labs have been seized showing increasing production of methamphetamines. Laboratory operators are taking advantage of the fact that all sales of the pseudoephedrine drug products, regardless of the quantity involved, are completely unregulated.

Drug use rises again in 1995 among American teens—The University of Michigan

1. Annual surveys of some 50,000 students in over 400 public and private secondary schools nationwide reveal that in 1995, marijuana use continued the strong resurgence that began in the early 1990s with increased use at all grade levels. The proportion of eighth-graders taking any illicit drug has almost doubled since 1991, has risen nearly two-thirds among 10th-graders since 1992, and has risen by nearly half among 12th-graders.

Preliminary estimates from the Drug Abuse Warning Network—Substance Abuse and Mental Health Services Administration

1. Comparing the first half of 1995 with the first half of 1994, there was a 10 percent increase in drug-related hospital emergency department episodes. Heroin-related episodes increased by 27 percent, marijuana-related episodes increased by 32 percent, and methamphetamine-related episodes increased by 35 percent.

Women and drugs—Wall Street Journal (June 6, 1996)

1. Unfortunately, the gender gap among drug users is quickly closing as women catch up with men when it comes to smoking, drinking, and doing drugs.

LOSING GROUND AGAINST DRUGS—A REPORT ON INCREASING ILLICIT DRUG USE AND NATIONAL DRUG POLICY

(Prepared by Majority Staff, Senate Committee on the Judiciary, Senator Orrin G. Hatch, Utah, Chairman)

INTRODUCTION

Through the 1980s and into the early 1990s, the United States experienced dramatic and unprecedented reductions in casual drug use.

The number of Americans using illicit drugs plunged from 24.7 million in 1979 to 11.4 million in 1992. The so-called "casual" use of cocaine fell by 79 percent between 1985 and 1992, while monthly cocaine use fell 55 percent between 1988 and 1992 alone—from 2.9 million to 1.3 million users.

On the surface, little appears to have changed since 1992. For the nation as a whole, drug use remains relatively flat. The vast majority of Americans still do not use illegal drugs.

Unfortunately, this appearance is dangerously misleading. Drug use has in fact experienced a dramatic resurgence among our youth, a disturbing trend that could quickly return the United States to the epidemic of drug use that characterized the decade of the 1970s.

Recent surveys, described in detail in this report, provide overwhelming evidence of a sharp and growing increase in drug use among young people:

The number of 12–17 year-olds using marijuana increased from 1.6 million in 1992 to 2.9 million in 1994. The category of "recent marijuana use" increased a staggering 200 percent among 14–15 year-olds over the same period.

Since 1992, there has been a 52 percent jump in the number of high-school seniors using drugs on a monthly basis, even as worrisome declines are noted in peer disapproval of drug use.

One in three high school seniors now smokes marijuana.

Young people are actually more likely to be aware of the health dangers of cigarettes than of the dangers of marijuana.

Nor have recent increases been confined to marijuana. At least three surveys note increased use of inhalants and other drugs such as cocaine and LSD.

Drug use by young people is alarming by any standard, but especially so since teen drug use is at the root of hard-core drug use by adults. According to surveys by the Center on Addiction and Substance Abuse, 12–17 year-olds who use marijuana are 85 times more likely to graduate to cocaine than those who abstain from marijuana. Fully 60 percent of adolescents who use marijuana before age 15 will later use cocaine. Conversely, those who reach age 21 without ever having used drugs almost never try them later in life.

Described another way, perhaps 820,000 of the new crop of youthful marijuana smokers will eventually try cocaine. Of these 820,000 who try cocaine, some 58,000 may end up as regular users and addicts.

The implications of public policy are clear. If such increases are allowed to continue for just two more years, America will be at risk of returning to the epidemic drug use of the 1970s. Should that happen, our ability to control health care costs, reform welfare, improve the academic performance of our school-age children, and defuse the projected "crime bomb" of youthful super-predator criminals, will all be seriously compromised.

With these thoughts in mind, I am pleased to present "Losing Ground Against Drugs: A Report on Increasing Illicit Drug Use and National Drug Policy" prepared at my direction by the majority staff of the United States Senate Committee on the Judiciary. This report examines trends in drug use and the Clinton Administration's sometimes uneven response to them, including the Administration's controversial policy of targeting chronic, hardcore drug users. The report also reviews the state of trends in use and availability. And, finally, it evaluates the performance over the past three years of our nation's criminal justice and interdiction systems.

The report finds Federal law enforcement under severe strain just as the technical sophistication of drug trafficking syndicates is reaching new heights. It finds that the Administration's supply reduction policy is in utter disarray, with a 53 percent drop in our ability to interdict and push back drug shipments in the transit zone. The report also finds increases in the purity of drugs and the number of drug-related emergency room admissions of hard-core users.

Federal drug policy is at a crossroads. Ineffectual leadership and failed federal policies have combined with ambiguous cultural messages to generate changing attitudes among our young people and sharp increases in youthful drug use.

The American people recognize these problems and are increasingly concerned: A Gallup poll released December 12, 1995 shows that 94 percent of Americans view illegal drug use as either a "crisis" or a "very serious problem." Their concern, which I share, underscores the danger of compromising our struggle against the drug trade. I look forward to addressing the issues raised in this report in future hearings of the United States Senate Committee on the Judiciary.

OVERVIEW

For its first eight months in office, the Clinton Administration's approach to the drug issue could best be described as benign neglect. Then, in September 1993, the Administration announced a new approach to drug policy, promising to "reinvent our drug control programs" and "move beyond ideological debates." The new Administration policy deemphasized law enforcement and shifted away from interdiction, while promising dividends from treating hard-core drug users.

Almost three years into the Administration, however, the results of its early neglect, and subsequent policy "reinvention," are in. Drug use is up—dramatically so among young people. Promised reductions in hard-core use—the centerpiece of the Administration strategy—have failed to materialize. New money to expand the nation's treatment system has coincided with a projected *decrease* in treatment "slot."

Law enforcement efforts, mean-while, are not keeping pace with the kingpins who run the drug trade, whose resources and technical sophistication are increasing yearly. Prosecutorial efforts appear to have stumbled as well, with a 12 percent decline in prosecutions over just two years.

Presidentially ordered interdiction cuts appear to have resulted in an increased supply of drugs on American streets. Illicit drugs are now available in greater quantities, at higher purity, and at lower prices than ever before. The Administration's strategy for coping with these problems is predicated on a series of goals that one drug policy expert described as "merely an unprioritized list [that does little] to direct policy.

Viewed together, these factors paint a disturbing picture of inattention to a serious and growing national threat.

PRELIMINARY ESTIMATES FROM THE DRUG ABUSE WARNING NETWORK, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, PUBLIC HEALTH SERVICE

HIGHLIGHTS

The Drug Abuse Warning Network (DAWN) is a national probability survey of hospitals with emergency departments conducted annually by the Substance Abuse and Mental Health Services Administration (SAMHSA). The survey is designed to collect data on emergency department episodes which are directly related to the use of an illegal drug or non-medical use of a legal drug. Analyses in this report focus primarily on recent trends in drug-related episodes. Preliminary estimates for the first half of 1995 are compared with data from the first half of 1994. The major DAWN findings are:

In the first half of 1995, there were 279,100 drug-related hospital emergency department episodes representing an increase of 10 percent from the first half of 1994 (252,600).

An estimated 76,800 cocaine-related episodes were reported in the first half of 1995 compared with 68,400 in the first half of 1994, an increase of 12 percent.

Cocaine-related episodes rose by 21 percent (from 26,100 to 31,500) among persons aged 35 years and older between the first half of 1994 and the first half of 1995. A 17 percent increase was observed among blacks (from 36,200 to 42,500).

The number of heroin-related episodes increased by 27 percent between the first half of 1994 and the first half of 1995 (from 30,000 to 38,100).

Between the first half of 1994 and the first half of 1995, heroin-related episodes increased by 39 percent among whites (from 10,800 to 15,000) and by 32 percent (from 16,100 to 21,100) among persons aged 35 years and older.

Marijuana/hashish-related episodes rose from 19,100 in the first half of 1994 to 25,200 in the first half of 1995, a 32 percent increase. Marijuana episodes usually occur in combination with other substances, particularly alcohol and cocaine.

The number of methamphetamine (speed)-related episodes increased by 35 percent (from 7,800 to 10,600) between the first half of 1994 and the first half of 1995.

INTRODUCTION

This report contains preliminary data for the first 6 months of 1995 and final annual and semi-annual estimates of drug-related emergency department episodes for 1988 through 1994, from the Drug Abuse Warning Network [DAWN], an ongoing national survey of hospital emergency departments.

Since the early 1970's, DAWN has collected information on patients seeking hospital emergency department treatment related to their use of an illegal drug or the nonmedical use of a legal drug. The survey provides data that describe the impact of drug use on hospital emergency departments in the United States. Data are collected by trained reporters—nurses and other hospital personnel—who review medical charts for indications—noted by hospital staff who treated the patients—that drug use was the reason for the emergency department visit. Thus, the accuracy of these reports depends on the careful recording of this information by hospital staff.

To be included in DAWN, the person presenting to the emergency department must be aged 6 years and older and meet all four of the following criteria:

The patient was treated in the hospital's emergency department;

The patient's presenting problem was induced by or related to drug use, regardless of when the drug ingestion occurred;

The case involved the nonmedical use of a legal drug or any use of an illegal drug;

The patient's reason for taking the substance included one of the following: (1) dependence, (2) suicide attempt or gesture, or (3) psychic effects.

Hospitals eligible for DAWN are non-Federal, short-stay general hospitals that have a 24-hour emergency department. Since 1988, the DAWN emergency department data have been collected from a representative sample of these hospitals located throughout the coterminous United States, including 21 oversampled metropolitan areas. The data from this sample are used to generate estimates of the total number of emergency department drug episodes and drug mentions in all such hospitals.

Recently, SAMHSA conducted a thorough review of the computer programs which produces the DAWN estimates. As a result, corrections were made to the 1993 estimates that had been previously released. Estimated presented in the last DAWN release (Advance Report Number 11 "Preliminary Estimates from the DAWN—1994") and in Annual Emergency Department Data 1993 [Series 1, Number 13–A, DHHS Pub. No. (SMA) 96–3080] and

in this report are based on these corrected programs. Because the impact on national estimates was found to be small for 1992, those estimates were not revised. However, the impact is significant for some metropolitan areas and may be significant for selected drugs. Thus, readers should use caution when comparing 1992 (and earlier) estimates and 1993 (and later) estimates. See Appendix I for details.

Estimates from DAWN are released periodically in reports such as this Advance Report, and are published in Annual Reports which contain more detailed tables and a complete description of the DAWN methodology (reference: Annual Emergency Department Data 1993. Series I, Number 13–A. DHHS Pub 1. No. (SMA) 96–3080). 1995 estimates in this report are preliminary because they are based on incomplete data and adjustment factors from the previous year. Final estimates for 1995 will be published later when all hospitals participating in DAWN have submitted their data and when additional ancillary data used in estimation become available. The differences between preliminary and final estimates are due to several factors: final estimates include data from a small number of late-reporting hospitals; additional hospitals are added to the sample and incorporated into the final estimates; and data from the most current listings of all eligible hospitals are used to produce the final weights.

The DAWN system also collects data on drug-related deaths from a nonrandom sample of medical examiners. Data from medical examiners are not included in this report. Medical examiner data are published annually (reference: Annual Medical Examiner Data 1994. Series I, Number 14–B. DDHS Pub. No. (SMA) 96–3078).

SETTING THE COURSE—A NATIONAL DRUG STRATEGY

(By the Task Force on National Drug Policy, and convened by: Majority Leader Bob Dole and Speaker Newt Gingrich)

TASK FORCE ON NATIONAL DRUG POLICY

Senator Charles Grassley, Co-Chair,
Senator Orrin Hatch, Co-Chair,
Senator Spence Abraham,
Senator John Ashcroft,
Senator Paul Coverdell,
Senator Alfonse D'Amato,
Senator Mike DeWine,
Senator Kay Bailey Hutchison,
Senator Olympia Snowe,
Representative Henry Hyde, Co-Chair,
Representative William Zeliff, Co-Chair,
Representative Mike Forbes,
Representative Ben Gilman,
Representative Bill McCollum,
Representative Rob Portman,
Representative Ileana Ros-Lehtinen,
Representative Clay Shaw,
Representative J.C. Watts.

EXECUTIVE SUMMARY

The facts are simple. After more than a decade of decline, teenage drug use is on the rise. Dramatically. Every survey, every study of drug use in America reconfirms this depressing finding.

What is even more disturbing is that attitudes among teenagers about the dangers of drug use are also changing—for the worse. After more than a decade of viewing drugs as dangerous, a new generation increasingly sees no harm in using drugs.

Just such a shift in attitudes engendered the last drug epidemic in this country. The 1960s saw a significant movement among many of the nation's intellectual leaders, media gurus, and even some politicians that glorified drug use. These attitudes influenced the thinking and decision making of many of our young people. We are still living with the consequences of the 1960s and 1970s attitudes in the form of a long-term addict population and thousands of casualties, including a staggering number of drug-addicted newborns and many of our homeless.

The American public recoiled at the social pathologies associated with the illegal drug epidemic then, and recent polls indicate that they are just as concerned today that we are about to repeat history because we failed to learn our lesson. Despite the fact that we made major inroads on reducing drug use in the 1980s, the press and many others have helped to create the idea that nothing works and that our only policy options are the decriminalization or outright legalization of drugs.

The media turned their attention away from the drug issue and have not returned to it in the last three years. The Clinton Administration has downplayed the drug issue, demoting it as a national priority and distancing the President from it. The message that drug use was wrong was de-emphasized, while interdiction and enforcement were downplayed in order to concentrate on treatment. The result has been to replace "Just Say No" with "Just Say Nothing." We are suffering the consequences.

On December 13, 1995, Majority Leader Bob Dole and Speaker of the House Newt Gingrich convened a bicameral Task Force on National Drug Policy to break the silence. They asked the Task Force to make recommendations on how Congress might, as it has many times in the past, put drugs back on the national agenda. This report is the result of the Task Force's efforts. It reflects the results of town meetings, discussions with experts, and meetings with leading treatment and prevention organizations. This report represents a beginning of effort not the conclusion.

The Task Force's first and most important recommendation calls for a serious national drug strategy. Recent Administration strategies have been thin and they have arguably failed to meet the clear statutory obligation that specific and measurable objectives be included. Our national strategy is incomplete and has focused efforts in areas that have not worked. We need a more serious effort.

Such a strategy does not have to re-invent the wheel. It does need to do the right things with the right stuff. This means a focus on prevention, law enforcement, and interdiction. It means presidential leadership within the Executive Branch and at large. It involves congressional oversight of programs and support to effective, well-managed efforts. It means a program that adds substance to rhetoric and matches ends to means in a sustainable effort.

A reinvigorated national drug strategy needs to focus on five major elements:

1. We need a sound interdiction strategy that employs our resources in the transit zone, in the source countries of Latin America, and near the borders to stop the flow of illegal drugs. This means renewed efforts at US Customs, DEA, INS, DoD, and the Coast Guard to identify the sources, methods, and individuals involved in trafficking and going after them and their assets.

2. A renewed commitment to the drug effort requires a serious international component that increases international commitment to the full range of counter-drug activities. These must involve efforts to prevent money laundering; to develop common banking practices that prevent safe havens; serious commitments to impose sanctions on countries that fail to meet standards of cooperation; efforts to ensure proper controls over precursor chemicals; and an international convention on organized crime that develops common approaches for targeting the main international criminal organizations, their leaders and assets.

3. US national drug strategy should also take steps to ensure that drug laws are effectively enforced, particularly that there be truth in sentencing for rug trafficking and drug-related violent crimes.

4. Prevention and education are critical elements in a renewed strategy. There needs to be greater coordination and effective oversight of Federal prevention and education programs, which should involve the integration of disparate drug programs in HHS, DoJ, and elsewhere under one authority. This more integrated approach should focus on empowering local communities and families, and must develop more effective evaluation programs to determine which delivery mechanisms are the best.

5. Treatment must remain an important element to any strategy, but more needs to be done to eliminate duplication and waste. A renewed strategy needs to look at establishing more effective evaluation techniques to determine which treatment programs are the most successful. Accountability must be a key element in our programs.

We also need to look at the role of religious institutions in our efforts to combat drug use. America cannot ignore the link between our growing drug problem and the increase in moral poverty in our lives.

The members of the Task Force also note that even the best strategy in the world is worth no more than the effort spent on turning it into reality. Thus, the Administration and Congress have a responsibility to develop and implement sustained and sustainable programs. An effective effort, however, must go beyond what the Executive and Congress can do. A true national effort must involve parents, families, schools, religious institutions, local and state governments, civic groups, and the private sector.

Finally, the Task Force members note that many of our current social pathologies, in addition to drug use, arise from causes directly related to a climate that disparages essential moral and ethical principles of personal behavior. Out of the best of intentions, we have pursued policies that have replaced a sense of personal responsibility with conscienceless self-esteem. In doing so, we have belittled traditional family virtues and encouraged a cheapening of social discourse. Our public places have become threatening to decent people because of misplaced tolerance for aggression and public incivility. Many of our children are now having children, born out of wedlock into lives of meanness and violence.

In calling for a recommitment to sustained, coherent efforts against drugs, the Task Force members recognize that this effort is part of a larger struggle for the soul our young people and our future. We reject the counsels of despair that say that nothing can be done. That our only recourse is to declare surrender and legalize drugs. We recognize that the drug problem is a generational one. Every year the country produces a new platoon of young people who must be guided to responsible adulthood. A continuing, vital anti-drug message sustained by meaningful prevention, law enforcement and interdiction programs is part of the responsibility

our generation has to the next. This report is a wake-up call to America to do its duty.

THE UNIVERSITY OF MICHIGAN,
December 11, 1995.

DRUG USE RISES AGAIN IN 1995 AMONG AMERICAN TEENS

ANN ARBOR.—The use of drugs among American secondary school students rose again in 1995, continuing a trend that began in 1991 among eighth-grade students, and in 1992 among 10th- and 12th-graders, according to scientists at the University of Michigan.

The proportion of eighth-graders taking any illicit drug in the 12 months prior to the survey has almost doubled since 1991 (from 11 percent to 21 percent). Since 1992 the proportion using any illicit drugs in the prior 12 months has risen by nearly two-thirds among 10th-graders (from 20 percent to 33 percent) and by nearly half among 12th-graders (from 27 to 39 percent.)

The findings are from the Monitoring the Future Study, a series of annual surveys of some 50,000 students in over 400 public and private secondary schools nationwide. The U-M investigators who have directed the study for the 21 years of its existence are social scientists Lloyd Johnston, Jerald Dachman and Patrick C. Malley—all faculty at the U-M's Survey Research Center. The work is supported by the National Institute on Drug Abuse, one of the National Institutes of Health in the U.S. Department of Health and Human Services.

In 1995, marijuana use, in particular, continued the strong resurgence that began in the early 1990's, with increased use at all three grade levels. Among eighth-graders, annual prevalence (i.e., the proportion reporting any use in the 12 months prior to the survey) has risen to two-and-one-half times its level in 1991, from 6 percent in 1991 to 16 percent in 1995. Among 10th-graders, annual prevalence has nearly doubled from the low point in use in 1992 of 15 percent to 29 percent in 1995; among 12th-graders annual prevalence has increased by more than half, from the low point of 22 percent in 1992 to 35 percent in 1995.

"Of particular concern in the continuing rise in daily marijuana use," observes Johnston. Nearly one in 20 (4.6 percent) of today's high school seniors is a current daily marijuana user, and roughly one in every 35 10th-graders (2.8 percent). Fewer than one in a hundred eight-graders use at that level (0.8 percent). These rates have risen sharply as overall marijuana use has increased.

The investigators found that while marijuana use has shown the sharpest increase, the use of a number of other illicit drugs, including LSD, hallucinogens other than LSD, amphetamines, stimulants, and inhalants, has also continued to drift upward.

The use of LSD continued to rise in all three grade levels in 1995, continuing longer-term increases that began at least as far back as 1991. The proportions reporting and LSD use in the 12 months prior to the 1995 survey were 3 percent, 7 percent, and 8 percent for eighth-, 10th-, and 12th-graders, respectively.

Hallucinogens other than LSD, taken as a class, showed smaller increases in 1995 at all three grade levels. The annual prevalence rates for eighth-, 10th-, and 12th-graders are considerably lower than for LSD: 2 percent, 3 percent, and 4 percent, respectively.

The longer-term rise in the use of amphetamine stimulants continued in 1995 at the eighth- and 10th-grade levels, but use leveled among 12th-graders. Annual prevalence rates are 9 percent, 12 percent, and 9 percent for grades eight, 10, and 12, respectively.

The use of cocaine in any form continued a gradual upward climb, though most of the one-year changes do not reach statistical significance. The same is true for crack cocaine. So far, at least, these increases have been very gradual. The annual prevalence rates for use of cocaine in any form are 2.6 percent, 3.5 percent, and 4 percent for grades eight, 10, and 12, respectively, while for crack use they are 1.6 percent, 1.8 percent, and 2.1 percent.

Several other classes of illicit drugs also have been showing very gradual increases since the early 1990s, including tranquilizers and three drug classes reported only for 12th-graders—barbiturates, ice (crystal methamphetamine), and opiates other than heroin.

Questions about heroin use have been in the study from the beginning and have generally shown low (and for many years among 12th-graders, stable) rates of use. However, use began to rise after 1991 among 10th- and 12-graders, and after 1993 among eighth-graders, as well. There was a statistically significant increase in annual heroin prevalence among eighth-graders in 1994, and then among 12-graders in 1995. All three grades showed some increase in both years. While the annual prevalence rates for heroin remain quite low in 1995 compared to most other drugs, they are nevertheless two to three times higher than they had been a few years ago. The annual prevalence rates in 1995 are between 1.1 percent and 1.4 percent at all three grade levels.

The small increase in heroin use in 1994 led the investigators to distinguish in half of the 1995 questionnaires between two different methods for taking heroin: with a needle and without a needle. Their hypothesis was that non-injection forms of use (e.g., snorting or smoking) may be accounting for the rise in overall use. Consistent with this hypothesis, in 1995 a large proportion of those reporting heroin use indicated that at least some of their use involved a non-injection method of administration (63 percent, 75 percent, and 89 percent of the past-year heroin users in grades eight, 10, and 12, respectively) Further, a substantial proportion indicated using heroin only in a non-injectable form (32 percent, 45 percent, and 57 percent of the past-year heroin users for grades eight, 10, and 12, respectively).

"Obviously this is not a runaway epidemic among teens, but it should give rise to some caution," Johnston comments. "Many of these young users may be under the misconception that they cannot become addicted to heroin if they use it in a non-injectable form. The fact is that they can. In Southeast Asia and other parts of the world there are many thousands of opium smokers who are heavily addicted, and heroin is simply a powerful derivative of opium.

"While these levels of illicit drug use are certainly reason for concern," observes Johnston, "it should be noted that they are still well below the peak levels attained in the late 1970s. We are in a relapse phase in the longer-term epidemic, if you will, but it is certainly not something over which society is powerless. Our great progress in the past at lowering the rates of illicit drug use among our young people is proof of that." To illustrate, between 1979 and 1992, the proportion of 12th-graders reporting using any illicit drug in the 12 months prior to the survey fell by half, from 54 percent to 27 percent.

Alcohol use among American secondary students generally has remained fairly stable in the past few years, though at rates which most adults would probably consider to be unacceptably high. (This remains true in 1995, although there has been some small increase among 12th-graders over the past two years.) In 1995 the proportions of students having five or more drinks in a row during the two weeks preceding the survey were 15 percent, 24 percent, and 30 percent for the eighth-, 10th-, and 12th-graders, respectively.

[From the Backgrounder, the Heritage Foundation, July 12, 1996]

THE CLINTON ADMINISTRATION'S CONTINUING RETREAT IN THE WAR ON DRUGS

(By John P. Walters and James F.X. O'Gara)

HIGHLIGHTS

The Clinton Administration has a poor record in fighting the war on drugs. Interdiction efforts and prosecution for illegal drugs are down, illegal drug usage and emergency room admissions are up. Part of the problem has been a failure in personnel management: the inability or unwillingness to appoint effective leaders in key positions to articulate and enforce a strong anti-drug message, as well as inappropriate reductions in staff at agencies dedicated to dealing with the problem on the front lines.

The President must exercise leadership on this issue and use his bully pulpit to send an unambiguous anti-drug message. Members of Congress also need to focus federal efforts on law enforcement and interdiction programs that work, and fund only those rehabilitation programs that have a track record of success. One way Congress can do this is to allow funding for drug counseling and drug rehabilitation programs provided by religious organizations.

America's illegal drug problem is complex and presents a special challenge for policymakers in Congress and the White House. But the complexity and the difficulty of the issue are no excuse for ineffective policy and a lack of serious effort.

INTRODUCTION

The Clinton Administration continues to retreat in the war on drugs. After a decade of consistent progress during the Reagan and Bush Administrations, almost every available indicator today shows the United States is losing—some would say surrendering—in the prolonged struggle against illegal drugs. Consider the evidence:

Since President Clinton took office, the number of 12-to-17-years-olds using marijuana has almost doubled—2.9 million compared with the 1992 level of 1.6 million.[1] One in three high school seniors now smokes marijuana, and 48.4 percent of the Class of 1995 had tried drugs by graduation day.[2]

LSD use has reached the highest rate since record-keeping started in 1975. Fully 11.7 percent of the Class of 1995 had tried it at least once.[3]

The number of cocaine-and heroin-related emergency room admissions has jumped to historic levels. In the first half of 1995, cocaine-related emergency room cases were 65 percent above the level in the first half of 1991. Heroin admissions soared 120 percent over the same period.[4]

Methamphetamine use has turned into a major problem, particularly in the Western United States. In the first half of 1995, meth-related emergency room cases were up by 321 percent compared with the first half of 1991.[5]

While there are many different reasons for this deterioration in America's resistance to illegal drugs, part of the explanation is a failure in federal policy. President Clinton

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Footnotes at end of article.

and his Administration have demonstrated little leadership on the issue and have failed to send out an unambiguous message of disapproval to young Americans. The President's personnel appointments in this area have ranged from the virtually invisible, as in the case of former "drug czar" Lee Brown, to the embarrassing, as in the case of Dr. Joycelyn Elders, former Surgeon General of the United States. Staffing at the Office of National Drug Control Policy was cut by 80 percent—from 147 to 25. Moreover, although the President's election year budget reverses this cut and requests major increases for drug law enforcement, his FY 1995 request would have eliminated 621 drug enforcement positions.

The Clinton Administration's policy initiatives have been similarly ineffectual, especially their focus on hard core drug users at the expense of stronger law enforcement and interdiction. The evidence is in: Federal illegal drug caseloads fell by 10.3 percent from FY 1992 to FY 1995; the government-wide interdiction budget has been cut 39 percent since 1993; the impact of interdiction programs has dropped off sharply; and drug-related hospital emergency room admissions have hit record levels.

Instead of pursuing ineffectual anti-drug policies and giving the impression that curbing drug use is not a priority, the President and Congress should demonstrate leadership in this deadly contest. If the United States is serious about combating the infiltration of illegal drugs across America's borders and into the nation's cities, towns, neighborhoods, and schools, several steps need to be taken:

The President must use the "bully pulpit" of his office to send out a clear message that drug use is unacceptable.

American must assist its allies in Latin America and elsewhere in their efforts to take on the drug cartels.

The President must propose budgetary, personnel, and policy initiatives that make it absolutely clear that Washington means business in curbing the flow of drugs into America.

Congress should pass legislation to close loopholes that result in excessively lenient sentences for marijuana smugglers.

Congress should continue to block the United States Sentencing Commission's proposals to lower sentences for crack cocaine dealers.

Washington must get serious about promoting rehabilitation that works, such as religion-based programs, instead of simply funding programs that promise to rehabilitate drug addicts and fail to deliver. Congress should re-evaluate all treatment programs carefully. The basis of federal funding for drug rehabilitation should be a clear track record of success.

America succeeded in reducing the rate of drug use, especially among vulnerable teenagers, in the 1980s because local efforts were reinforced by a serious program of law enforcement, interdiction, and hard-headed demand reduction policies, and because the Reagan and Bush Administrations made it very clear that they were determined to win the war against drugs. Unfortunately, the Clinton Administration has adopted a very different posture, and America is now losing the war.

THE FAILURE OF LEADERSHIP

The illegal drug problem is admittedly complex, but complexity is no excuse for inaction. President Clinton began derailing the successful approaches of prior administrations from the earliest days of his presidency. After promising to "reinvent our drug control programs" and "move beyond ideological debates," the President announced a new approach to drug policy, de-emphasizing law enforcement and effecting a "controlled shift" away from interdiction. More important, in a message to Congress, he promised to "change the focus of drug policy by targeting chronic, hardcore drug users."[6] This ineffectual policy—the latest manifestation of the liberals' commitment to a "therapeutic state" in which government serves as the agent of personal rehabilitation—seems to have been rejected even by the President's new drug czar. General Barry McCaffrey, who has moved to elevate the profile of prevention programs.

Cuts in the interdiction system and the dismantling of other programs with records of success have been accompanied by the increased availability of drugs. Ironically, the Clinton drug policy has been most harmful to its intended beneficiaries—the very hardcore drug addicts who are cycling through emergency rooms at record rates.

The President's lack of visibility on the drug issue has drawn criticism from prominent congressional supporters of drug control programs, including leading Democrats in the House and Senate. Senator Joseph Biden (D-DE) admits he has "been openly critical of this President's silence."[7] And Representative Charles Rangel (D-NY) has gone so far as to declare, "I've been in Congress over two decades, and I have never, never, never found any Administration that been so silent on this great challenge to the American people."[8]

In fact, since taking office, President Clinton has been significantly engaged in only one aspect of the drug problem—drugs in schools, which arguably is not even the federal government's responsibility. In June 1995, Clinton promised to veto any attempt by the 104th Congress to cut the Safe and Drug-Free Schools and Communities program, which Congress had evaluated and found to be ineffective. Bob Peterson, former Michigan drug czar, described the program as a "slush fund," and even former ONDCP Director Lee Brown acknowledged "abuses of the program" in testimony before a House subcommittee.[9]"

The Disturbing Change in the Trends. During the 1980s and early 1990s, the United States experienced dramatic reductions in casual drug use—reductions that were won through increased penalties, strong presidential leadership, and a clear national anti-drug message. Beyond the substantial investment of resources, engaged commanders in chief used the bully pulpit to change attitudes. Because Ronald Reagan and George Bush visibly involved themselves in the effort to combat illegal drugs, they helped rescue much of a generation. Overall, casual drug use was cut by more than half between 1977 and 1992. Casual cocaine use fell by 79 percent, while monthly use fell from 2.9 million users in 1988 to 1.3 million in 1992.[10] Strong presidential leadership had tangible effects.

Against this backdrop of accomplishment, Bill Clinton promised to get even tougher than his predecessors. Indeed, while campaigning for the presidency, then-Governor Clinton appeared to take an even harder line on illegal drugs than Bush, declaring that "President Bush hasn't fought a real war on crime and drugs . . . [and] I will." On the link between drugs and crime, Clinton said, "We have a national problem on our hands that requires a tough national response."[11]

Despite the tough rhetoric, however, the President's performance has been disappointing. Perhaps the first solid indication that rhetoric and reality would not fit neatly in the same policy box was the appointment of Dr. Joycelyn Elders of Arkansas as Surgeon General of the United States. Dr. Elders, among other things, offered the taxpayers the tantalizing theory that legalization of drugs might "markedly reduce our crime rate" without increasing drug use.[12] As for the President himself, his image of rhetorical toughness was compromised on occasion by remarks that could at best be described as indifferent, at worst as flippant.[13]

DOWNGRADING THE WAR ON DRUGS

The President's ill-considered public words have been accompanied by a reduction in tangible resources and effort. Within weeks of taking office, the Clinton Administration announced that it would slash the Office of National Drug Control Policy staff from 147 to 25. The President made the Director of the Office a member of the Cabinet, but the move was empty symbolism. This became painfully evident when his new Director, former New York City Police Commissioner Lee P. Brown, was observed to be virtually invisible during his two-and-one-half-year tenure. President Bush's Drug Policy Director, William Bennett, told Congress that the Clinton Administration cuts essentially would relegate the new Director to the position of an office clerk.[14]

Cuts in the drug czar's office prefigured much larger cuts in federal enforcement and interdiction agencies. The Administration's fiscal 1995 budget, for example, proposed to slash 621 drug enforcement positions from the Drug Enforcement Administration (DEA), Immigration and Naturalization Service (INS), Customs Service, FBI, and Coast Guard.[15] The DEA, America's only law enforcement agency dedicated exclusively to fighting the drug trade, lost 227 agent positions between September 1992 and September 1995—more than 6 percent of its agent force.

Declining Caseloads. Cuts in law enforcement paralleled reduced drug case filings. The Administrative Office of the U.S. Courts registered a 10.3 percent reduction in federal case filings between FY 1992 and FY 1995, and the total number of defendants indicted in these cases declined by 8.5 percent. The number of federal drug cases refused for prosecution increased by 18.6 percent over the same period as U.S. Attorneys pursued more investigations into health-care fraud and other areas deemed to be of greater priority than combating illegal drugs.

In an April 26, 1995, letter to Senate Judiciary Committee Chairman Orrin G. Hatch (R-UT), then-Drug Policy Director Lee Brown attributed the "troubling" decline in prosecutions to "the policies of the new U.S. Attorneys who de-emphasized prosecution of small-scale drug offenders." Director Brown also quoted the Administrative Office of the U.S. Courts to the effect that the change had been "consistent with DOJ policy".

Despite the abundance of data confirming the declining trend in illegal drug prosecutions, Clinton Administration officials have cited different figures, compiled by the Executive Office of U.S. Attorneys, to suggest that case filings and defendants prosecuted actually rose 12.9 and 12.1 percent, respectively, between fiscal 1994 and fiscal 1995. But even according to these figures, the number of drug defendants prosecuted dropped for the three years prior to 1995, and remains 5.2 percent below the FY 1992 level.[16]

In a textbook illustration of the laxness of Clinton Administration drug policy, the *Los Angeles Times* revealed on May 12, 1996, that hundreds of marijuana smugglers "have been

allowed to go free after U.S. authorities arrested them with substantial quantities of drugs at ports of entry in California."[17] Attorney General Janet Reno objected to the article's claims, noting that the individuals in question are "punished" by having their border crossing cards confiscated. Ms. Reno added that prosecution may be "deferred" only if five mitigating factors are present, a claim that elicited this reaction from Bush Administration Drug Enforcement Administration head Robert C. Bonner:

Reno claims that only Mexican nationals qualify under the leniency policy. This results in two standards of justice. U.S. citizens are prosecuted, but Mexican nationals get a free ride to Mexico.

Another criterion is being caught with under 125 pounds of marijuana. So, if you are smuggling "only" 100 pounds, with a wholesale value of over $100,000, you meet one of the criteria.

Now, Reno also says that there must also be "insufficient evidence" of knowledge and intent, but, of course, no one should be prosecuted, regardless of citizenship or quantity, if evidence of knowledge and intent are not present.[18]

Dropping the Safeguards. The Clinton Administration began to reduce America's drug interdiction efforts within a year of the inaugural. On November 3, 1993, against the vehement objections of senior Coast Guard officers, the National Security Council issued a classified presidential memorandum dictating a "controlled shift" of interdiction assets to other functions. At the same time, flight hours in the so-called "transit zone" between the United States and South America were cut by 50 percent, many interdiction aircraft and helicopters were put into mothballs, ship "steaming days" were cut by a third, and Department of Defense detection and monitoring budgets were reduced by more than half. Controlling for inflation, the aggregate government-wide drug interdiction budget has been cut 39 percent since the last year of the Bush Administration.[19]

The impact of these cuts was almost immediate: Between 1993 and 1994, U.S. interdiction forces experienced a 47 percent drop in their ability to stop drug shipments from Latin America. Cocaine seizures by the Customs Service and the Coast Guard fell by 70 percent and 71 percent, respectively, during the same period.[20] Overall interdiction effectiveness has dropped by a cumulative 64 percent between 1993 and 1996.[21]

Some, including General McCaffrey, have attempted to argue, against the evidence, that this reduced effectiveness was the result of changing trafficker routes, not vastly diminished levels of national effort. This argument is refuted by an interdiction study commissioned by the Clinton Administration itself. The study, performed for the Office of National Drug Control Policy by the EBR Corporation, using conservative assumptions, showed that restoring $500 million in assets to the transit zone could cause seizures, jettisons, and mission-aborts totaling 130 tons of cocaine per year. In round terms, this means that restoring half the assets cut by the Clinton Administration could result in the seizure or disruption of more than the entire amount of cocaine seized domestically every year.

Stimulating Demand. Cuts in interdiction and law enforcement have had additional consequences that should have been predictable to anyone with even a modicum of understanding of the basic economic laws of supply and demand. Between 1993 and 1994—the first year of the "controlled shift" away from interdiction—the retail price of a gram of cocaine dropped from $123 to $104. Two years later, the price was still a low $107 per gram. Heroin prices have fallen even more sharply, from $1,647 per pure gram in 1992 to $966 per gram in February 1996.[22] The increased availability of such relatively cheap drugs has helped drive hard-core drug use—as reflected in emergency room admissions—to record levels.

While most drugs are produced in inaccessible regions overseas, limiting the impact of U.S.-sponsored eradication programs, the bulk of the marijuana consumed in the United States is produced domestically. Domestic marijuana eradication under the Bush Administration was highly successful—so successful, in fact, that marijuana became more expensive, ounce for ounce, than gold. Hawaiian producers were forced to import marijuana to satisfy local demand for the first time in recent history.

The Clinton Administration, however, has deemphasized marijuana eradication. There has been a 59 percent reduction in cultivated plants destroyed since 1992.[23] The drug budget of the U.S. Park Service has been cut 22 percent from the FY 1992 level,[24] resulting in a 47 percent reduction in plants eradicated by the Park Service. Once again, increases in supply have fueled demand (use by 8th graders has increased 184 percent since 1992) and caused prices to drop (marijuana prices are at the lowest level in eight years).

The ubiquitous availability of illegal drugs—*de facto* legalization—is confirmed by the Administration's own data. According to the latest White House report on drug use,[25] heroin is now so cheap and pure that it has "driven new demand and drawn some former addicts back into use." Meanwhile, the availability of cocaine and crack is described as "high," and marijuana is "plentiful and potent" and "widely available" in all areas of the country except California.

By making drugs more expensive, aggressive interdiction and law enforcement efforts reduce use among particularly vulnerable inner-city populations by forcing addicts to spend their limited disposable income on a smaller quantity of drugs.[26] A cocaine addict named "Joe," interviewed for a book[27] on the impact of cocaine, describes the phenomenon: "What keeps you from dying is you run out of money." Conversely, paring back supply reduction programs hits hardest those who are most heavily addicted and least able to resist drug use.

Rising Emergency Room Cases. This phenomenon is evident in the record number of drug-related emergency room admissions that have followed in the wake of the Clinton Administration's cuts to enforcement and interdiction programs. (It is instructive that these record increases have occurred despite the Clinton strategy's stated concern for hard-core addicts, the primary population captured by the emergency room statistics.) Compared with the first half of 1994 (which was then the high water mark for drug-related emergency room cases), cocaine-related emergencies have increased 12 percent (from 68,400 to 76,800); heroin-related episodes have risen 27 percent (from 30,000 to 38,100); marijuana-related episodes have increased 32 percent (from 19,100 to 25,200); and methamphetamine cases have jumped by a staggering 35 percent (from 7,800 to 10,600)

Hard-core addicts deserve access to treatment, but experience teaches that the typical addict will cycle through the treatment system several times over a period of years before getting off drugs, with many never reaching that goal. A 1994 RAND study found that only 13 percent of heavy cocaine users who receive treatment are either non-users or light users at the end of a year. The study also found that 20 percent of heavy users continue to use drugs while in treatment.[28]

Getting serious about hard-core drug use ultimately requires America to do more to fight youthful drug use: While hard-core users are mostly beyond the reach of drug treatment professionals, today's young people can be dissuaded from going down the road that leads to hard-core addiction. In fact, those who reach age 21 without using drugs almost never try them later in life. Conversely, drug users almost always start young, and almost invariably by smoking marijuana.[29]

An About Face? With U.S. Army General Barry McCaffrey's appointment as the new point man on drugs, the President indicated he was reversing his decision to gut ONDCP and discarding his misguided strategy of targeting hard-core users. The editors of The Washington Post called the change an "about face." President Clinton was able to capitalize on the installation of a tough-minded general; White House aide Rahm Emmanuel was candid enough to say that the changes were "what the President believes will help us improve on our record."[30]

Given the Clinton Administration's previous track record, however, it remains unclear whether Director McCaffrey's appointment means a genuine change in course. His is a managerial position that accords him little line authority, and his policy accomplishments will depend largely on his willingness and ability to take on the various empires of the federal bureaucracy. This in turn will depend on the degree to which he is supported by the President of the United States.

Unfortunately, early indications suggest that Director McCaffrey may be reticent to test the President's commitment to an effective anti-drug strategy. For instance, McCaffrey recently sided with the Department of State in supporting a determination that Mexico had "cooperated fully" with the United States on drug control matters, even though the head of the DEA objected that the government of Mexico had not done enough to warrant that designation. This determination was made even though the Administration could have waived the sanctions that typically accompany decertification.

This decision sounds a disturbing signal about the degree of General McCaffrey's leverage on drug questions. The United States imports 400 tons of cocaine annually, 70 percent of it transshipped through Mexico. Yet Mexico's seizures have slumped to roughly one-twentieth of the amount passing through their country. Arrest figures are down significantly, and the former president's brother, Raul Salinas, has been arrested on suspicion of "drug-related charges." Four Mexican trafficking "confederations," meanwhile, operate with relative impunity. But President Clinton's statement to Congress explained away Mexican inaction on the peso crisis and declared weakly that President Zedillo's administration has "set the stage for action against the major drug cartels in Mexico."[31] For too long, the U.S. has accepted at face value repeated Mexican promises of future aggressive action against the drug trade. It is time for such complacency to end.

McCaffrey also appears to have had little positive impact on recent high-level appointments. For example, on June 12, 1996, Patricia M. McMahon was nominated to serve as

his Deputy Director for Demand Reduction, a post that requires Senate confirmation. A former Clinton campaign worker with little substantive background in drug policy, Ms. McMahon's appointment to a lower-level position was criticized by the Washington Post in the early days of the Clinton Administration as "an example of continued political patronage."[32] Her principal contribution to the White House drug office was to serve as the political operative who carried out the slashing of the staff by 80 percent at the start of the Administration.

THE COMPONENTS OF A NEW ANTI-DRUG POLICY

The President and Congress can retake the initiative in the continuing struggle against drug use and the agents of the criminal network that is exporting poison into America's neighborhoods. But this cannot happen without the full leadership of the President and his Administration.

The Administration must take several decisive steps:

Use the bully pulpit. When President George Bush gave the first national primetime address of his presidency, it was on the drug issue. By doing this, he followed the example of visible and emphatic national leadership set by President Reagan and First Lady Nancy Reagan. The national effort against drugs—carried on by parents, young people, local people, local religious leaders, neighbors, local law enforcement, educators, medical personnel, and local government officials—gains immeasurably from strong, visible presidential support. But it is weakened considerably by the perception of presidential indifference.

Do more in Latin America. Fighting drugs at the source makes sense. Federal authorities ought to be going after the beehive, not just the bees. Foreign programs are also cheap and effective.

An example: America's chronically underfunded program in Peru will cost just $16 million to run in FY 1996. But targeting even that meager amount effectively can work. The Peruvians have managed to shoot down or disable 20 trafficker airplanes since March 1, 1995. Unfortunately Peruvian President Fujimori's aggressive line on drugs actually caused President Clinton to bar Peru from receiving radar tracking data. That decision has badly damaged Peruvian-American relations, but Fujimori has continued to work with the United States, and much more can be done at very small cost. The Peruvian air force currently uses obsolete A–37 jet trainers from the 1950s. For $50 million, the United States could equip the Peruvians with new tracker aircraft, improved nightflyer gear, and spare parts. This is an opportunity to save American lives by helping the Peruvians press their attack on traffickers. In addition to helping countries like Peru, the United States should make effective cooperation in fighting drugs one of the most important requirements for Latin nations seeking good diplomatic and economic relations.

Set more sensible budget priorities. The Department of Defense today is allowed to spend only 0.3 percent of its budget on preventing the inflow of drugs. The U.S. military cannot solve the drug problem, but it can make a profound contribution to cutting the flow of drugs through interdiction. The budget needs to reflect this national priority.

Reduce marijuana availability. The federal government urgently needs to restore leadership to the fight against marijuana production, trafficking, and use. Federal marijuana penalties need to be stiffened, partly by eliminating the loophole that allows marijuana smugglers to be treated far more leniently than marijuana growers. Federal eradication efforts need to be reinvigorated.

Block lower crack sentences. Last year, the United States Sentencing Commission proposed steep reductions in sentences for crack dealers. Those changes were blocked by statute. In its 1997 amendments cycle, the Sentencing Commission should be blocked, and the Commission should be barred from proposing changes in criminal penalties where Congress has established mandatory minimum sentences, except in an advisory format that would require affirmative congressional action before taking effect.

Stop undercutting those drug treatment programs that do work. Taxpayers have heard the stories about waiting lists for drug treatment. Waiting lists are not fiction—they do exist. On the other hand, one program that rarely has waiting lists in Mitch Rosenthal's well-regarded Phoenix House, a tough program where addicts spend 18–24 months literally learning to live new lives. Programs like Phoenix House have a proven track record dating back to 1967. But they are unpopular with addicts because, to quote one analyst, "a residential program with constricted freedom, rigorous rules, and enforced separation from drugs is the last place most addicts want to find themselves, at least initially."[33] Nevertheless these approaches work. Yet taxpayers today pay billions of dollars on drug treatment that allows the addicts to decide for themselves how rigorous and how long their treatment will be. Not surprisingly, this arrangement does not work very well.

In addition, while many faith-based treatment programs report remarkable success with the addicted, their religious character usually bars them from receiving government treatment funds. In a break from current policy, Representatives Jim Talent (R–MO) and J.C. Watts (R–OK) have introduced a bill, the American Community Renewal Act of 1996 (HR 3467), which would allow the neighborhood groups, including religious institutions, the same access to federal funds that is enjoyed by other drug treatment and counseling facilities. States also would be able to contract with these drug treatment centers. Discrimination against effective religiously based programs should end. Taxpayer funding for drug treatment should be tied strictly to results, religiously based programs should be eligible for funding, and addicts who seek publicly funded treatment should be required to enter rigorous programs and face real sanctions if they fail to complete them.

CONCLUSION

The Clinton Administration has a poor record in fighting the war on drugs. Interdiction efforts and prosecution for illegal drugs are down, illegal drug usage and emergency room admissions are up, and there has been an absence of credible presidential leadership on this issue. Part of the problem also has been a failure in personnel management: the inability or unwillingness to appoint effective leaders in key positions to articulate and enforce a strong anti-drug message, as well as inappropriate reductions in staff at agencies dedicated to dealing with the problem on the front lines. With the appointment of General Barry McCaffrey as Director of the Office of National Drug Control Policy, this situation may improve, although the McMahon appointment is far from encouraging.

American taxpayers need and deserve presidential leadership on this issue. Members of Congress also need to focus federal efforts on law enforcement and interdiction programs that work, and fund only those rehabilitation programs that have a track record of success. One way Congress can do this is to allow funding for drug counseling and drug rehabilitation programs provided by religious organizations. Congress and the states also should undertake a tough re-evaluation of existing grant recipients to make sure that funding is going to programs that work best in reducing dependency on illegal drugs.

America's illegal drug problem is complex and presents a special challenge for policymakers in Congress and the White House. But the complexity and the difficulty of the issue are no excuse for ineffective policy and a lack of serious effort.

Prepared for the Heritage Foundation by John P. Walters[34] and James F.X. O'Gara.[35]

FOOTNOTES

[1] U.S. Department of Health and Human Services, Preliminary Estimates for the 1994 National Household Survey on Drug Abuse, September 1995.

[2] University of Michigan Institute for Social Research, Monitoring the Future, December 15, 1995.

[3] Ibid.

[4] U.S. Department of Health and Human Services, Preliminary Estimates from the Drug Abuse Warning Network, Advance Report No. 14, May 31, 1996.

[5] Ibid.

[6] President Clinton's message accompanying Office of National Drug Control Policy's National Drug Strategy, February 1994, p. iii.

[7] Hearing before the Senate Caucus on International Narcotics Control, April 25, 1996.

[8] CNN News, January 31, 1994.

[9] Hearing before House Subcommittee on National Security, International Affairs, and Criminal Justice, April 7, 1995.

[10] See note 1, supra.

[11] The New York Times, March 26, 1993, referring to previous Clinton statements. Unfortunately for the President, his most memorable public statement in connection with the drug issue still was "I didn't inhale."

[12] Wolfgang Munchau, "Clinton's Team Split on Drugs," The Times (London), December 8, 1993.

[13] In an interview with MTV, for example, when asked whether he would "inhale" given the chance to "do it over again," Clinton merely provoked laughter: "Sure, if I could. I tried before." MTV interview, June 12, 1992.

[14] Hearing before the Senate Judiciary Committee, October 20, 1993.

[15] Office of National Drug Control Policy, National Drug Control Strategy: Budget Summary, February 1994.

[16] Prosecution figures are derived from the Executive Office of U.S. Attorneys (EOUSA) as well as the Administrative Office of the U.S. Courts (AO). The AO and EOUSA numbers differ because the two entities practice a different "leading charge" system; only the AO includes misdemeanor cases; and the AO includes cases brought by magistrate judges.

[17] H.G. Reza, "Drug Runners Arrested at Border Often Go Free; Smuggling: Crackdown Leads to More Seizures, but Jail Overcrowding and Clashing Priorities Force Suspects; Release," The Los Angeles Times, May 12, 1996, p 1.

[18] Robert C. Bonner, "Clinton's Flawed Drug-Smuggling Policy," San Diego Union-Tribune, June 4, 1996.

[19] In 1989 constant dollars, the interdiction budget declined from $1.73 billion in FY 1992 to $1.05 billion in FY 1996.

[20] Customs cocaine seizures fell from 35.4 metric tons (mt) in FY 1993 to 10.7 mt in FY 1994. Coast Guard cocaine seizures fell from 15.4 mt in FY 1993 to 4.4 mt in FY 1994.

[21] The "disruption rate" is the total amount of cocaine and marijuana that is seized, jettisoned, or "aborted" (returned to the source country as a result of interdiction or law enforcement presence). Data sheet from Joint Interagency Task Force-East, Key West, Florida, April 26, 1996. The daily disruption rate fell from 435.1 kgs/day in 1993 to 228.7 kgs/day in 1994, and still further to 158.1 kgs/day during the first 15 weeks of 1996.

[22] U.S. Department of Justice, Drug Enforcement Administration, and Abt Associates, Average Price and Purity of Cocaine in the United States, Average Price and Purity of Heroin in the United States, May 28, 1996.

[23] According to the Department of Justice, 3.04 million cultivated plants were eradicated in 1995 compared to 7.49 million eradicated in 1992.

[24] The Park Service drug control budget was cut from $11.1 million in FY 1992 to $8.7 million in FY 1996.

[25] Office of National Drug Control Policy, Pulse Check: National Trends in Drug Abuse, June 1996.

[26] For example, a 43 percent increase in cocaine prices in 1990 (the first such increase in five years) paralleled a 27 percent reduction in cocaine-related emergency room admissions and overdoses (the first such reduction in 12 years).

[27] Eugene Richards, Cocaine True, Cocaine Blue (Aperture).

[28] C. Peter Rydell and Susan S. Everingham, Controlling Cocaine: Supply Versus Demand Programs (Santa Monica, Cal.: RAND, 1994).

[29] According to the Center on Addiction and Substance Abuse at Columbia University, 12- to 17-year-olds who use marijuana are 85 times more likely to graduate to cocaine than those who abstain from marijuana.

[30] Ann Devroy, "About-Face; Clinton to Restore Staff He Cut from Anti-Drug Office," The Washington Post, March 6, 1996, p. A15.

[31] Memorandum from the President of the United States to the Secretary of State, Certification of Major Narcotics Producing and Transit Countries, Statement of Explanation: Mexico, March 1, 1996.

[32] Michael Isikoff, "Drug Director Urged to Hire Hill Aides; Memo Asked Director to 'Do Something' for Congressman Rangel," The Washington Post, August 19, 1993, p. A27.

[33] Sally Satel, "Yes, Drug Treatment Can Work," City Journal, Summer 1995.

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[35] James F.X. O'Gara is Director of Research for the New Citizenship Project. He previously served as drug policy advisor to Senator Orrin G. Hatch (R-UT), Chairman of the Senate Judiciary Committee, and has served as assistant to the Administrator for DEA for foreign policy matters.

Mr. HATCH. I thank the distinguished Senator from Georgia for his leadership in this area, for being willing to get out here and talk about these issues. I have been talking about them for a long time. I am disappointed we have not made more headway, but it certainly has not been for lack of effort on the part of our friend from Georgia.

I want to say in all honesty, we have to fight this war. We have to give it everything we have. We have to have leadership at the top. We do not have it right now but we are going to keep this pressure on until we get it, one way or the other.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I thank the Senator from Utah for, as he has acknowledged, long and diligent work in this arena. A lot of Americans can be particularly thankful for that work.

Mr. HATCH. I thank my colleague.

Mr. COVERDELL. I appreciate his remarks this morning. At this time I yield up to 10 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for up to 10 minutes.

Mr. KYL. Mr. President, I thank the Senator from Georgia for organizing this time to speak about this incredibly important issue. While we do not intend this to be an issue that is partisan in nature, as the Senator from Utah, the distinguished chairman of the Judiciary Committee, has just pointed out, although this is clearly a bipartisan effort, or should be, it is impossible to deal with the issue without, I think, criticizing some of the people who have been unable thus far, or unwilling, to fight this war on drugs, to level that criticism as a way of pointing out what needs to change.

I would not be so willing to do this if President Clinton had not made this a partisan political issue in the first place. That is what angers me so much. We just saw the Senator from Utah, the distinguished chairman of the Judiciary Committee, point out that from 1980 to the end of 1992, during the time of Republican administrations, drug use on all fronts had declined dramatically. In the Presidential campaign of 1992, here is what then-candidate Bill Clinton had to say:

[President Bush] hasn't fought a real war on crime and drugs. I will.

Maybe if he had not said that, maybe if he had not made that promise, I would not be so critical of him today for failing to keep that promise. But as the chart that Senator HATCH just showed us reveals, from the time that President Clinton took office, drug use among young people in all of the categories increased. So you saw during the entire time of the Reagan and Bush administrations drug use going down and then, when President Clinton took office, drug use sharply going up. That is why it angers me to go back and see statements like this during the campaign 4 years ago, when he criticized President Bush for not being tough on drugs, and said he would fight the war on drugs. He has not done it and that is why we are critical here today.

It is not to try to throw barbs at the President, but to try to get him on board on this issue, because this is critical for the future of the United States and for our kids. Specifically, when usage of hard drugs among White House personnel was finally revealed in the media, after having been denied by Presidential spokesmen, we get the kind of reaction that Senator HATCH just pointed out, coming from the White House, that suggested that using drugs is no big deal. It was Leon Panetta 2 years ago who attacked House Speaker NEWT GINGRICH for his comment that the delay in the White House granting clearance to a large group of staffers might be in part due to drug use by some of the staffers.

That was the information people had at the time, but it was not then confirmed. Here is what Leon Panetta said:

We cannot do business here with a Speaker of the House who is going to engage in these kind of unfounded allegations.

The people at the White House at that time knew those were not unfounded allegations. Now, 2 years later, the news accounts report that in fact at least a dozen staffers were taken on board, over the objection of the FBI and Secret Service because of their hard core drug use. Now what do the spin meisters at the White House talk about? Of course they are no longer unfounded accusations. Now it is just the excuse that, well, everyone was doing it. Press Secretary Mike McCurry:

I was a kid in the 1970's. You know, did I smoke a joint from time to time? Of course, I did. And the FBI knows that, and that was in my background file.

The "of course, I did" is what bothers so many of us. The White House is the ultimate bully pulpit in the United States. The tone set there permeates our entire culture. Our young people look to the President for his leadership on issues, to set an example, to be a role model. When his chief spokesman tosses off his drug use with a mere cavalier "of course, I did," inferring that everybody did, that suggests it is behavior that is acceptable. It is against the law and it is not acceptable behavior.

So, when the people at the highest levels in the White House treat the issue so cavalierly, is it no wonder the young people in our country, who are obviously susceptible to this kind of language, treat it cavalierly as well? Yet this is the same White House that is blasting Senator Dole for his comments that not necessarily everyone is addicted to tobacco use. It seems to me there is a gross double standard here, at a minimum. But that at maximum, one might say, more important, for the young people in our country this administration has squandered the assets that had been brought to bear in the war on drugs, had squandered the success of the Bush and Reagan administrations when drug use was brought substantially down.

Senator HATCH has pointed out many of the things that have occurred during this administration, like the drug czar's office staff being cut more than 80 percent. After a year of leaving the drug czar's office vacant, finally the President selected Lee Brown, who was only in office for a few months. His major initiative was to have "Big League Chew" bubble-gum removed from convenience store chains. It did not do much to fight the war on drugs.

Then he appointed as our Nation's top health official Joycelyn Elders, who said "[I] do feel we would markedly reduce our crime rate if drugs were legalized." In one sense I suppose if you remove all prohibitions on illegal activity, you reduce the illegal drug use rate, at least measured against what it was during the war on drugs, but that is obviously not the way to protect the future of America's children. Particularly since we understand that the use of drugs such as marijuana leads to the use of much

harder drugs. That is why the President's reduction in requests for funding from interdiction to law enforcement have not been welcomed by the Congress, and why the Congress has wanted to fund those programs at a higher level.

Just summarizing what Senator HATCH said a moment ago, with the reduction in the officers from FBI, INS, Customs Service and Coast Guard, they would have lost 621 drug enforcement agents had the Congress not put the funding back in. And he mentioned the fact we did not train special agents of the DEA in 1993. But when the Congress has finally insisted on increasing the drug interdiction effort, for example in the bill we just dealt with last week, we get emphasis—indications from the White House that they will support those increases. I hope that is true.

According to the Wall Street Journal, the Attorney General, Janet Reno, "announced that she wanted to reduce the mandatory minimum sentences for drug trafficking * * *." Statistics released by the Administrative Office of the U.S. Courts reveal that, although drug use is going up, the number of individuals prosecuted for Federal drug violations is going down. That is what we have to change. This de facto strategy of the administration in fighting drugs was to deemphasize interdiction, law enforcement and prevention and concentrate on treatment. Yet, as has been pointed out, treatment is not the answer to this problem. It is only one small piece of the puzzle. And a 1994 study by the Rand Corp. found that 27 percent of hardcore drug users continued hardcore use while undergoing treatment. And fully 88 percent of them returned to hardcore drug use after treatment. So the recidivism rate was very, very high.

Let me just hesitate here to make a point. In criticizing the administration's efforts here, again I do not intend to be partisan. There have been a lot of Democrats who have been equally critical. Senator BIDEN, the ranking Democrat on the Senate Judiciary Committee, said:

> This President is silent on the matter. He has failed to speak.

Representative Charles Rangel, a Democrat from New York whose district has a very serious problem in this regard said:

> I've been in Congress for over two decades and I have never, never, never seen a President who cares less about this issue.

So I am not just speaking from the perspective of a Republican, Mr. President. I am speaking as someone who cares about our future and who has noted it is people on both sides of the aisle who are deeply committed to fighting this war who are also critical of this administration.

The chairman of the Judiciary Committee pointed out that marijuana use is up; that one in three high school seniors now uses marijuana. That is an astounding statistic. Why is it important? Because, as I said a moment ago, according to surveys by the Center on Addiction and Substance Abuse, 12- to 17-year-olds who use marijuana are 85 times more likely to graduate to cocaine than those who don't use marijuana.

So those who argue that marijuana use, so-called "soft drugs," are not important are ignoring scientific evidence that almost all of the people who use those kinds of drugs graduate to harder drugs. That is why it is so important to stop this drug use at that level.

What can we do to recapture the initiative on this war on drugs? First of all, on interdiction, the action we just took last week, we have to see renewed efforts by Federal agencies responsible for fighting drugs to spend greater resources, identifying the sources, methods and individuals involved in trafficking.

Enforcement I mentioned a moment ago. Drug prosecution under this administration has decreased. Those violating our drug laws must be prosecuted, and we have to make sure those who are profiting from the drug trade are severely punished.

Finally, education and prevention. Kids need to learn and be constantly reminded that drugs are harmful, and that is where the President's bully pulpit comes in.

They laughed at President Reagan and his wife when they said that we should "just say no." I think they were making a big mistake. We know the President has to say no.

Mr. President, I ask for 30 seconds more from the Senator from Georgia, since I know my time has expired.

Mr. COVERDELL. I yield another minute to the Senator from Arizona.

Mr. KYL. Mr. President, I appreciate that. That will enable me to make this final point.

We are doing our part in Congress to revitalize this war on drugs. We just passed the Commerce, State, Justice appropriations bill, which will improve our enforcement and interdiction efforts. It increases the funding substantially. I think, however, once we have done this, the President is going to have to help us regain the initiative by demonstrating that the administration is just as concerned about this effort as is the Congress. Of course, another option is to elect a President who really seems to care about this effort. But that is another matter.

Let me say in conclusion, this effort should be bipartisan. It has to be coordinated. The President and the Congress have to join in the effort, and we have to convince the younger people in our country that the trend of drug use that is now going up must be reversed if their future is going to be great and if the future of America is going to be great, because all Americans bear the cost of drug abuse through increased crime and increased taxes to pay for welfare and other social programs and all the other costs to society that can't be measured.

It is time to resume the drug war. America's future is at stake.

I commend the Senator from Georgia for taking this time so we can emphasize the issue and get on with this important effort.

Mr. COVERDELL. Mr. President, I wonder if the Senator from Arizona will stay with us for just a moment.

I would like to read an editorial that appeared in the Boston Globe on Tuesday, July 23. It relates to his remarks. It quotes Speaker GINGRICH in December of 1994. He said on a television show:

> I had a senior law enforcement official tell me that, in his judgment, up to a quarter of the White House staff, when they first came in, had used drugs in the last 4 or 5 years.

He said:

> Now, that's very serious. I'm not making any allegation about any individual person, but it's very clear that they had huge problems.

It goes on. This editorial says:

> Then the sky fell in. "We cannot do business here with a Speaker of the House who is going to engage in these kinds of unfounded allegations," fumed Panetta. He lashed Gingrich for behaving like an out-of-control talk show host, for making an absolutely false accusation, for trafficking in smear and innuendo.
>
> George Stephanopoulos has labeled Gingrich "irresponsible." Hillary Clinton said, "So unfair." Press Secretary Dee Dee Myers called them "reckless charges."

McCarthyism was alluded to. That was the beginning of the demonization of the Speaker. Let me ask this question of the Senator from Arizona. Don't you think these people owe him an apology?

Mr. KYL. Mr. President, I am so glad that the Senator from Georgia has asked that question, because now that this has been reported on in the media 2 years after the fact and some people from the White House have, apparently, acknowledged that there is truth to these allegations, I think that every one of the people who smeared House Speaker NEWT GINGRICH not only owe him an apology—and it should be a very direct and specific apology—for the comments that the Senator from Georgia just read, but they owe an apology to the American people, because they, in smearing him, suggested that he was lying, that he was not telling the truth, that the allegations were unfounded, when, in fact, they either knew or should have known what was going on in the White House, why those clearances had not been granted. Therefore, it is they who were misleading the American public by suggesting that what he said was untrue.

So I have been wondering for some time when we would receive an apology, and I think it is as important that the House Speaker receive an apology.

I happened to see the Sunday morning talk show when Speaker GINGRICH said what he said. I saw him say it, and I thought at the time, "Boy, he was certainly careful how he repeated that allegation because it was all over the news media."

He was very careful in saying, "Now, I'm not making allegations, this is what a high-ranking official told me, and if it is true, it's very bad."

Well, all of the qualifications went out the window when all the White House pack dogs immediately attacked him the next day suggesting he was the one who was some kind of wild accuser here.

That is why I think the Senator from Georgia hits the nail right on the head when he suggests that each one of these people owes the Speaker a very specific apology. And if I can go further and suggest they should apologize for misleading the American people as well.

Mr. COVERDELL. If the Senator will yield.

On dozens of editorial pages—

I am quoting—

there were comparisons to the most infamous demon in American history. The Georgia Republican's words, said Newsday, were laced with the kind of innuendo which fueled McCarthy's witch hunt. To Herblock, the Washington Post venerable cartoonist, Gingrich was McCarthy, cruelly blackening reputations with a broad brush.

I think there are a lot of people who owe the Speaker an apology. This attack was very harmful to this gentleman, and you alluded to it. There is no way that all of these people in the White House could not have known about the problems they were having in getting White House clearance. I believe they not only owe him an apology, but they owe him an apology at the same level to which they leveled this attack: a public apology from all of them, not just one of them on their behalf.

Mr. KYL. If the Senator from Georgia will yield for a moment, the point here is not to extract an apology for the sake of an apology, but rather, I think, to make a larger point.

Clearly, when the Speaker of the House is vilified the way he was without good reason, and we know now incorrectly if not with animus, he is owed an apology. But the point of these attacks was to try to distract attention away from the specific charge and the problem that was being alluded to by the Speaker.

That is where I think these people owe an apology to the American public, because they were trying to divert attention away from a condition, a problem, and it is very much like the way the administration has treated this drug war from the very beginning.

It is basically a nonwar, and that is why drug use has gone up during this administration's tenure. They have to focus back on the fact that what they say matters. The way the President acts matters a great deal, especially to the young people in this country.

He is the first really young new-generation President here. As a result, I think young people really look to President Clinton because he is younger than most of the Presidents have been in recent years. When they see him act in a relatively cavalier way, then they are going to pick up on that. That appears to be what is happening, if you look at the statistics.

So again, while it is important to apologize to the Speaker, because what they said about him was extraordinarily unfair and inaccurate, I think it is more important, again, that they get back on track in fighting the war on drugs by apologizing to the country as a whole for trying to distract attention from the problem in the White House, trying to distract attention from what was going on here in their inadequate effort to fight the war on drugs and refocus attention on the very, very difficult nature of this problem.

President Clinton has an extraordinarily great ability to be persuasive, to demonstrate that he cares about things. And if he were to mount the podium with the same sincerity that Nancy Reagan and Ronald Reagan did and George and Barbara Bush to tell the young people of today why it is so destructive for them to begin this path of doing drugs, I think he could be enormously helpful. He could be so powerful in his appeal and reach to these young people.

So instead of obfuscating the issue and accusing others of making too big a deal out of it, as they did with Speaker GINGRICH, I think they ought to try to focus on what they can do to help. It would be a tremendous benefit if they would do that. I thank the Senator from Georgia.

CULTIVATING THE FUTURE

Mr. GRASSLEY. Mr. President, a wise man once said that what is honored in a society is cultivated there. In other words, what a society believes is important and respects, it will teach its children and demand in its public life. I have been concerned in the last few days by what it seems to me that we are honoring in our society. And I am concerned because of that about what we may be cultivating for the future.

I am concerned about what we have learned in the past few days and weeks about the attitudes the Clinton White House has about security clearances and security procedures in general. I am also concerned about drug use, respect for privacy, and regard for simple facts straightforwardly presented. I am concerned about what attitudes on these issues, coming from the Nation's first household, are communicating to the public. I am particularly troubled about the White House's seemingly cavalier attitude about drug use and about the message that this careless viewpoint is sending.

Based on reporting in the Washington Post, "The Secret Service in 1993 balked at granting permanent passes to about a dozen people in the Clinton White House because of concerns about recent use of illegal drugs that in some instances included crack cocaine or hallucinogens. . . ." But this is not all. The problem was evidently so serious as to require the unprecedented step of establishing a special drug-testing program in the White House. We have heard that this involves only a few people. But then we also heard from the same White House that there were only a few unauthorized FBI files. That story had to be revised several times as the numbers grew. Perhaps that will not happen here, but the numbers are not really the issue.

What is of concern is the principle. In the files case, one file improperly obtained, illegally reviewed, and carelessly kept was too many. In any normal operation, the person responsible for this chain of slipshod management would be identified, fired, and, if a crime was committed, prosecuted. In the present case, however, the White House not only does not know who was responsible, they cannot or will not figure out who hired him. Based on this White House's public assertions about hiring practices in the world's most important household, Rosy the Bag Lady could have moved locations from Lafayette Park into the West Wing, gotten a White House pass, and set up shop with no one the wiser.

As in the files case, it is the principle that matters in the White House's attitude about drug use. It is what actions there say publicly about what is honored and what should be cultivated. Perhaps it should come as no surprise that a President who did not inhale should see no problem in hiring known drug users to sit on the world's most visible front porch. But what is of more concern than this peculiar tolerance is the response of the President's spokesman to the issue. Let me quote his remarks. "I was a kid in the 1970's," he said. "You know, did I smoke a joint from time to time?

Of course, I did." Of course? There is a lot of consequence in that "of course." As Mr. Bennett, the country's first drug czar noted, that "of course" is very disturbing. Mr. Bennett asks a very important question: "What exactly did Mr. McCurry mean by 'of course'? That every young person used drugs in the 1970's? Or that it was no big deal?" In either case, as Mr. Bennett notes, the President's spokesman is wrong. He not only has the facts wrong, he has now put the White House behind the notion that drugs are no big deal.

Mr. McCurry's words are very revealing. They are dismissive of the idea that drug use is of any serious concern. They indicate an indifference to the realities of drug use. And, for a White House whose clearest competency is in message management, it shows a remarkable ignorance of the importance of using the bully pulpit of Presidency to send a clear, antidrug message. We need to remind ourselves that Mr. McCurry did not make these remarks in private. He is no babe in the woods. He did not get trapped. He did not speak out thinking that the microphones were turned off. Mr. McCurry made these remarks to the press as the chief spokesman for the President of the United States. Say what you will, his remarks are now an indelible part of the public record. So too, are the White House's attitudes to drug use revealed here.

I am sure that in the next few days we will have more clarifications about the position. I am sure that these clarifications will include the typical accusations that discussion of the issue at all is just partisan politics. But, what remains is a public demonstration about how this White House thinks about drugs. It reflects a casualness about the drug problem that is communicated to the public. It is a communication that, frankly, concerns me a great deal.

On a number of occasions I have raised my concern on this floor about the dramatic rise in teenage drug abuse. If there are any of my colleagues who have not acquainted themselves with the realities of what is happening with kids and drugs today, I urge them to take a look at the facts. I think that what they will find will disturb them. In brief, by whatever standard you use or reporting system that we currently have to tell us about drug use, teenage use is on the rise.

In the last several years, after more than a decade of decline, we are seeing returning drug use that is wiping out all the gains that we had made. What is just as alarming, teenage attitudes about the dangers of drug use are also changing for the worse. Today's kids see drugs as far less of a problem than did kids just a few years ago. Even worse, drug use today is starting even earlier. We are now seeing the problem affect 11 and 12 year olds. Unless you believe that drug legalization for kids is a realistic option or a responsible policy, then you cannot ignore what is happening under our very noses, in our homes, schools, backyards, and front porches.

In this context, do you think that remarks like the President's or Mr. McCurry's do not matter? Let us not kid ourselves about kids. What the White House says publicly is one of the ways we communicate lessons about what we honor and should cultivate. That the White House understands this is clear from what it has to say on other issues. On this issue, however, the message is anything but clear.

In March of this year, I co-chaired a Senate-House Task Force on National Drug Policy. Bob Dole and NEWT GINGRICH established the task force to take a look at the problem and recommend solutions. The report from that effort documents not only the present trend in drug use among kids, but the policies or lack of policies by the Clinton administration to deal with the problem. I invite all of my colleagues, the press, and the public to take a look at what the task force learned. It is sobering.

One of the essential findings of the report, which is hardly new, was that the bully pulpit for sending messages about what is right and wrong, good and bad, must be central to any drug policy. As the report notes, we must be consistent in our message. We must have words and deeds that are complementary not contradictory.

Democrats and Republicans over the last several years, however, have repeatedly noted that the administration, and particularly the President, have been virtually silent on the drug issue. The only serious pronouncements that anyone here or elsewhere likely remembers about this administration's drug policy was the President's remark that he didn't inhale. That and the repeated public statements by the Surgeon General of the United States calling for consideration of drug legalization. Except for these less than inspiring remarks, the drug issue simply disappeared in the first 3 years of the administration. Like the drug czar's office, it was benched. For this administration, drug policy was not just the least valued player. It was traded to a farm team and hustled out of town under a blanket of silence.

Now, in an election year, when the drug use numbers are bad and getting worse, we have seen a new public posture by the administration on drugs. We have a new drug czar—more power to him—and we have had a few presidential sound bites and backdrops. I am sure that none of these actions have anything to do with politics. But, we have seen also other things that leave a more lasting impression, particularly in young minds. Particularly, what we have seen disseminated to the public is the knowledge that "of course, I used drugs" and "I didn't inhale" are the hallmarks of this White House. As Mr. Bennett noted, policy follows attitude. It is not hard to understand the administration's policies with attitudes like those coming from the White House.

Recently, a music group with the unlikely name of Smashing Pumpkins lost one of its lead performers to a drug overdose. In recent years, such deaths of celebrities have become a common occurrence, another reminder of the 1960's culture born again. So serious has the problem become that record companies and managers are looking to institute drug programs to help prevent these losses. In the case of Smashing Pumpkins, they fired one of the band members who was involved in drugs along with the young man who died. Evidently, drug use in this case was grounds for dismissal. I wish that this White House understood the message here. That tolerating drug use, even former drug use, sends a dangerous message.

If we learn from the bully pulpit of the Presidency about what we should honor and cultivate in our national life, then I am concerned about what recent events tell us. I am concerned that we seem to have replaced "Just Say No" with a muddled message. I am concerned that this garbled text is sending the wrong signals, is reinforcing the wrong attitudes. Perhaps it is no coincidence, then, that calls for legalization of drugs are now more vocal and well-financed than at any time since the 1960's. It is perhaps why, we see initiatives on the ballot in California and Arizona that would legalize marijuana. It is perhaps why one of the largest financiers of drug legalization is a White House confidante. It is perhaps not just coincidence that the drugs-are-good-for-you message is back in movies, music, and on TV. It is perhaps why we see a White House where the Colombian drug lords can number employees as some of their former clients.

I worry about what we seem to be honoring and what we may cultivate as a consequence.

Mr. GORTON. Would the Senator from Georgia yield?

Mr. COVERDELL. I certainly will be more than pleased to yield to the Senator from Washington.

Mr. GORTON. It seems to me, Mr. President—and I ask for the comments of the Senator from Georgia on this—that during the course of this last half-hour or so, there have been perhaps five different, but related, themes. I wonder if my understanding is accurate.

The first, and in a sense the most immediate, is the way in which the White House responds to any kind of criticism, very frequently with nasty personal attack.

The second, which is one step above that and perhaps triggers the first, is the indifference in the administration itself to the question of drugs and of security and the like, you know, by the people who serve the administration.

The third, it seems to me, is the drug policy of the administration. I think the Senator from Georgia has already spoken to that question—less money, fewer people, less attention.

The fourth is as the Senator from Arizona just said, the use or nonuse of the magnificent platform that any President of the United States has to speak

to matters which are of deep concern to the American people or which create grave social problems or challenges to the American people. And the question as to whether or not any particular President pays any attention to that subject.

But I think each of those, in my view at least, leads to the final question. And that is, what impact is the plague of drugs imposing on the American people? Is the use of illegal substances rising or falling at any given level? And particularly, is this use rising or falling among young people, first becoming conscious of the world around them? And is that increase in use—quite clearly that is the case at the present time—attributable at least in part to what society, through its leaders, through its President, says or does not say, says or implies by an action or nonaction in connection with this drug use?

I think if you start from No. 1, attacking anyone who attacks them, second, an indifference to personal health, security or drug use, third, the amount of money and attention paid in budgets, fourth, the use or more particularly the nonuse of that bully pulpit in the Presidency, that fifth and most important consequence is almost an inevitable consequence, is it not? Is it not very difficult to make the case that these are unrelated phenomena, with the fact of increased drug use, the fact of a more serious problem in society today? Is it not connected with this indifference in money, in attitude, and the like on the part of the executive leaders of our Nation?

Mr. COVERDELL. First, I commend the Senator from Washington in his usual fashion of framing issues so well. But I think there is no conclusion one could reach but that these five points you allude to are inextricably connected and have resulted in a new drug epidemic in the United States, period.

I say to the Senator from Washington, from my own point of view, I have been surprised that a change in public policy, which occurred when this administration took office, could result in these kinds of changes so quickly. I would have thought these changes might have taken a decade to have the impact. It has been a revelation to me that within months you began to see a trend of less use of drugs turn completely around and now turn into something that is a devastating phenomenon in our country.

I will say one other thing and then go back to the Senator from Washington. On your fourth point, the use of the pulpit, so to speak, I would say that is even more serious than has been characterized. Not only has it not been used, but to the extent it has been used, it is the wrong message.

First of all, there is too much silence. Second, we had an Attorney General arguing for legalization in this administration. Third, we had statements, like press secretary McCurry and the President himself when he said, "Well, I didn't inhale." These are all cavalier tones that suggest a lack of seriousness about the issue. That is why I believe it is not just the trend lines have reversed, but they have dramatically reversed. And the damage is of epidemic proportions. And 12 years have virtually been cashiered because of the link between these five points, but particularly Nos. 4 and 5.

Mr. GORTON. I think the Senator from Georgia makes a good point. I would like to share this reflection with him and hear his views on the subject. I believe sometimes we have these problems by a misuse of terms. And in this connection, a few years back, when drug policy was a higher order of priority, we had what was, I think, misnamed as a "war on drugs," sincerely carried out by men and women who felt that drugs were a plague on our society creating a tremendous amount of crime, social dislocation, wasted lives. But the implication, when they used that term, was that it somehow or other could have been won permanently and decisively.

I believe that we made the same mistake a generation ago when we began a war against poverty with the same implications. Just set up a few programs and you will get rid of the circumstance. Perhaps, it has occurred to me, that this began because we have had truly wars where they have a beginning, middle, and an end, whether it was World War II, at one level, or even a half-a-century-long cold war. It is over. We have had a definitive triumph.

When one Presidential administration starts a war on poverty or, more particularly in this case, a war on drugs, and then the next administration discovers the real truth, that this is a struggle that begins over again in the minds of every young person in the first, second, third, or eighth grade and, in fact, has never definitively been won in the minds of an individual who may have started on some form of drug and then gotten off but is a life-long process in the lives of every single individual, then that administration tends to lose its sense of focus or even its sense of caring, because each administration wants something else that it can be definitively responsible for.

Do we not have a situation here in which we had a significant degree of success over a period of 4, 8, or 12 years, which one other administration by diligent effort could continue, could lose no ground, maybe by tremendous effort could maybe even make a few gains, but knew it could not win the way you win World War II, so the administration just lost interest in it. There were just a lot of other things it wanted to do.

Have we all not suffered? And this is the most important part of the question, have we not all suffered as a result, because the implication made that we have gotten this far, we do not have to do anything to at least keep it the status quo. But as the Senator from Georgia pointed out, in 4 years you can lose all the ground you gained in 12. Is that not essentially what we have done as a result of this administration's indifference to the problem?

Mr. COVERDELL. The Senator has raised several very, very crucial questions and sort of a constructive criticism which I might need to take to heart. First, we have not lost all the ground; we have just lost a lot of it. If unchecked, we will lose it all.

I do not know that I agree that it was strictly a function of interest level. I believe there are people in our country, and some of them are in this administration, like former Surgeon General Elders, who believes the construction of the struggle was wrong. I believe that they believed rehabilitation is more important that interdiction, so there are some philosophical differences here.

We now have the results of the interdiction law enforcement and education. It cut it in half. The new idea, empirically, has failed, because it has doubled, but we still have people in this administration who do not agree with the war on drugs.

Now, the last point I make, the war on drugs, I think the Senator makes a very valid point that it is not something to ever be won or lost. I have called it a war on drugs, of late, because of the level, separate from usage in the United States.

The fact is, we have come into an era where drug cartels with their enormous capacity of resources and sophistication, in my judgment, have put democracies in the hemisphere at stake. When the President of Mexico turns to me and says, "The single greatest threat to my public are the drug cartels," that raises it to a new level. I think there is a war in the hemisphere to gain control of this circumstance so that it does not threaten fragile and small democracies—some of them rather large. I draw that distinction and separate the two.

The Senator is absolutely correct, this is an issue for which society has always and will always struggle. Maybe it is improper to characterize it as a war. That is a duty. It is a duty of one civilization to those that follow. From time to time, I argue, there are incidents—and we are in one—where there is a configuration where we really are in a very adversarial struggle with a force that is capable of undoing society. I do believe the hemisphere is confronted with that at this point.

Mr. GORTON. I thank the Senator from Georgia for the clarity of his thought and for his dedication to a cause which is of vital importance to the future of our country and society.

Mr. COVERDELL. Thank you very much.

Mr. President, I appreciate very much the thoughts of the Senator from Washington. As always, the Senator brings great clarity and poignancy to issues of importance to our Nation.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement by former drug czar William Bennett.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BENNETT CRITICIZES MCCURRY AND WHITE HOUSE DRUG POLICY

WASHINGTON, DC, July 18, 1996.—Today, Empower America co-director and former Bush "drug czar" William J. Bennett released the following statement:

Yesterday we learned from interviews with Secret Service agents (released by a House committee) that background investigations on White House employees found that more than 40 had used drugs; a few dozen showed drug usage had been within the last five years; and that among those few dozen people were individuals who had used cocaine, crack cocaine and hallucinogens. We learned, too, that the Secret Service initially rejected White House passes to an unspecified number of White House employees because they were considered a security risk—a recommendation which apparently was unacceptable to the Clinton administration. Instead, the administration opted for a far more lenient policy—a twice-per-year surprise drug test. These are very disturbing revelations—but ones which do not seem to trouble the Clinton administration at all.

I have also read the transcripts of Mike McCurry's July 17th press briefing in which he stated that "of course" he used illegal drugs during the 1970s. What exactly did Mr. McCurry mean by "of course"? That every young person used drugs in the 1970s? Or that it was no big deal? Why didn't Mr. McCurry show any regret for having used illegal drugs? Mr. McCurry is wrong on all counts—and he should admit that he was wrong.

These revelations by Secret Service agents, combined with Mr. McCurry's comments are, I think, emblematic of the Clinton administration's cavalier and indifferent attitude toward illegal drug use. The Clinton administration doesn't seem to care about this issue. They seem unwilling to take a strong and unambiguous stand against drug use. And this nation is now paying a very heavy price for the Clinton administration's indifference, in terms of wrecked and lost lives.

Mr. McCurry's comments are of course not helpful. But neither are they surprising. After all, President Clinton's record on fighting illegal drug use is abysmal. It is worth pointing out that this is not a partisan opinion. Democratic Senator Joe Biden has been a strong critic of the administration's anti-drug efforts. And it was Democratic Congressman Charles Rangel who said this about the Clinton administration: "I've been in Congress over two decades, and I have never, never, never found any administration that's been so silent on this great challenge [illegal drug use] to the American people."

Consider the record under Bill Clinton's watch: drug use among high school seniors has risen steadily since he took office. The number of 12- to 17-year-olds using marijuana has almost doubled. Methamphetamine emergency room cases are up over 300 percent. LSD use has reached the highest rate since record-keeping started in 1975. Drug-related emergency room admissions are at record levels. And these trends have occurred after real progress was made against drug use in the mid-1980s and early 1990s.

But there is more involved here than a failure of public policy. The Clinton administration suffers from moral diffidence on this issue. Policy follows attitude. In 1991, when asked about his past drug use, Mr. Clinton declared that he had never "broken any drug law." A year later, he admitted that when he was in England, he had experimented with marijuana but he said, "I didn't like it. I didn't inhale it, and never tried it again." Later, when asked whether he would inhale if he had to do it over again, he answered, to laughter: "Sure, if I could. I tried before."

Then there is President Clinton's former Surgeon General Joycelyn Elders, who had been one of this administration's most vocal voices on drugs and who had favorable words about drug legalization. And of course now we have Mr. McCurry's comments.

During the 1980s, Nancy Reagan was ridiculed for her "Just Say No" campaign. But it turns out that "Just Say No" is far more effective than "I didn't inhale" or an attitude of "of course I used illegal drugs."

I realize that Mr. McCurry, a skilled press secretary, was simply reflecting the attitude of the President and his administration. But I would be interested in the answer to two questions: first, what does General Barry McCaffrey think about Mr. McCurry's comments and the underlying attitude they expressed? And second, does President Clinton have any objection if a person who has used cocaine, crack cocaine or hallucinogenic drugs during the past five years is working in his administration? Is there any kind of recent (pre-White House) drug use or drug activity that would disqualify somebody from joining the Clinton administration? Perhaps the president could clarify what his policy is on these matters.

On the issue of fighting illegal drugs—like so many other issues of national importance—the American people deserve better from their president.

Mr. COVERDELL. I will take just a minute to read from this statement from William Bennett:

Yesterday we learned from interviews with Secret Service agents that background investigations on White House employees found that more than 40 had used drugs; a few dozen showed drug usage—

I have always wondered what that remark means; what is "a few dozen"? It sounds an awful lot like 40.

. . . a few dozen showed drug usage has been within the last 5 years; and that among those few dozen people were individuals who had used cocaine, crack cocaine and hallucinogens.

It goes on: "These revelations by Secret Service agents, combined with Mr. McCurry's comments," which we have all talked about earlier, "are, I think, emblematic of the Clinton administration's cavalier and indifferent attitude toward illegal drug use. The Clinton administration does not seem to care about this issue. They seem unwilling to take a strong and unambiguous stand against drug use. And this Nation is now paying a very heavy price for the Clinton administration's indifference in terms of wrecked and lost lives."

This is the point I want to underscore over and over. We are not talking about just reciting numbers of increase, et cetera. We are talking about some kid in your family, somebody that lives next door, somebody you work with, that you know and care about. Every one of these 2 million new families that are experiencing drug use in their family are just like somebody we know, or they may be somebody we know.

It is time for the White House to put the bully pulpit to work, calling on our youth across this land to be knowledgeable and understanding of the fact that drugs will ruin their lives and forever change their futures.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, it was on Friday, February 23, 1996, that the Federal debt broke the $5 trillion sound barrier for the first time in history. The records show that on that day, at the close of business, the debt stood at $5,017,056,630,040.53.

Twenty years earlier, in 1976, the Federal debt stood at $629 billion, after the first 200 years of America's history, including two world wars. The total 1976 Federal debt, I repeat, stood at $629 billion.

Then the big spenders really went to work and the interest on the Federal debt really began to take off—and, presto, during the past 2 decades the Federal debt has soared into the stratosphere, increasing by more than $4 trillion in 2 decades—from 1976 to 1996.

So, Mr. President, as of the close of business Friday, July 26, the Federal debt stood—down-to-the-penny—at $5,181,675,045,058.46. On a per capita basis, every man, woman, and child in America owes $19,525.25 as his or her share of that debt.

This enormous debt is a festering, escalating burden on all citizens and especially it is jeopardizing the liberty of our children and grandchildren. As Jefferson once warned, "to preserve [our] independence, we must not let our leaders load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude." Isn't it about time that Congress heeded the wise words of the author of the Declaration of Independence?

JONES ACT WAIVERS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Commerce be immediately discharged from further consideration of the following bills: S. 1924 and S. 1933.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of

these bills, and the following bills on the legislative calendar, en bloc: Calendar Order Nos. 76 through 90, 308 through 328, 478 through 482, and 519 through 538.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. I further ask unanimous consent that the bills be deemed read the third time and passed, and a motion to reconsider all actions be deemed made and laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. I note at this point these measures are Jones Act Waivers, and they have all been cleared by the Democratic leadership.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "DAMN YANKEE"

The bill (S. 1924) to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Damn Yankee*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for employment in the coastwise trade for the vessel DAMN YANKEE (vessel number 263611).

CERTIFICATE OF DOCUMENTATION FOR CERTAIN VESSELS

The bill (S. 1933) to authorize a certificate of documentation for certain vessels, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTIFICATES OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and sections 12106 through 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for each of the following vessels:

(1) The vessel RELENTLESS, United States official number 287008.

(2) The vessel TECUMSEH, United States official number 668633.

(3) The vessel POLICY MAKER III, United States official number 569223.

(4) The vessel QUIET SQUAW, United States official number 998717.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "BAGGER"

The bill (S. 84) to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Bagger*, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 84

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTIFICATE OF DOCUMENTATION.

Notwithstanding sections 12106 through 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Secretary of Transportation may issue a certificate of documentation and coastwise trade endorsement for the vessel BAGGER, hull identification number 3121125, and State of Hawaii registration number HA1809E.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "L.R. BEATTIE"

The bill (S. 172) to authorize the Secretary of Transportation to issue a certificate of documentation for the vessel *L.R. Beattie*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 172

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF CERTIFICATE OF DOCUMENTATION.

Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel L. R. BEATTIE, United States official number 904161.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "SHAMROCK V"

The bill (S. 212) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Shamrock V*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel SHAMROCK V (United States official number 900936).

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "ENDEAVOUR"

The bill (S. 213) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Endeavour*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 213

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel ENDEAVOUR (United States official number 947869).

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "SERENITY"

The bill (S. 278) to authorize a certificate of documentation for the vessel *Serenity*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel SERENITY, United States official number 1021393.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "WHY KNOT"

The bill (S. 279) to authorize a certificate of documentation for the vessel *Why Knot*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel WHY KNOT, United States official number 688570.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "LADY HAWK"

The bill (S. 475) to authorize a certificate of documentation for the vessel *Lady Hawk*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 475

Be it enacted by the Senate and House of Representatives of the United States of America in

Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel LADY HAWK, United States official number 961095.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "GLEAM"

The bill (S. 480) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Gleam* was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 480

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel GLEAM, (United States official number 921594).

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "EMERALD AYES"

The bill (S. 482) to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Emerald Ayes* was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 482

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Act of June 19, 1886 (46 U.S.C. App. 289), and sections 12106 and 12107 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for the vessel EMERALD AYES, United States official number 986099.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "INTREPID"

The bill (S. 492) to authorize the Secretary of Transportation to issue a certificate of documentation for the vessel *Intrepid,* was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF CERTIFICATE OF DOCUMENTATION.

Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel INTREPID, United States official number 508185.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "CONSORTIUM"

The bill (S. 493) to authorize the Secretary of Transportation to issue a certificate of documentation for the vessel *Consortium,* was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S.493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF CERTIFICATE OF DOCUMENTATION.

Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel CONSORTIUM, United States official number 1029192.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "EMPRESS"

The bill (S. 527) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Empress* was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel EMPRESS, United States official number 975018.

CERTIFICATE OF DOCUMENTATION FOR THREE VESSELS

The bill (S. 528) to authorize the Secretary of Transportation to issue a certificate of documentation with coastwise trade endorsement for three vessels, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COASTWISE TRADE AUTHORIZATION FOR HOVERCRAFT.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Act of June 19, 1886 (46 U.S.C. App. 289), and sections 12106 and 12107 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for each of the vessels IDUN VIKING (Danish Registration number A433), LIV VIKING (Danish Registration number A394), and FREJA VIKING (Danish Registration number A395) if—

(1) all repair and alteration work on the vessels necessary to their operation under this section is performed in the United States;

(2) a binding contract for the construction in the United States of at least 3 similar vessels for the coastwise trade is executed by the owner of the vessels within 6 months after the date of enactment of this Act; and

(3) the vessels constructed under the contract entered into under paragraph (1) are to be delivered within 3 years after the date of entering into that contract.

CERTIFICATE OF DOCUMENTATION FOR THE VESSELS "GALLANT LADY"

The bill (S. 535) to authorize the Secretary of Transportation to issue certificates of documentation with appropriate endorsement for employment in coastwise trade for each of two vessels named *Gallant Lady,* subject to certain conditions, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VESSEL DOCUMENTATION.

(a) AUTHORITY TO DOCUMENT VESSELS.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 App. U.S.C. 289), and section 12106 of title 46, United States Code, and subject to paragraph (2), the Secretary of Transportation may issue a certificate of documentation with an appropriate endorsement for employment in coastwise trade for each of the following vessels:

(A) GALLANT LADY (Feadship hull number 645, approximately 130 feet in length).

(B) GALLANT LADY (Feadship hull number 651, approximately 172 feet in length).

(2) LIMITATION OF OPERATION.—Coastwise trade authorized under a certificate of documentation issued for a vessel under this section shall be limited to the carriage of passengers in association with contributions to charitable organizations no portion of which is received, directly or indirectly, by the owner of the vessel.

(3) CONDITION.—The Secretary may not issue a certificate of documentation for a vessel under paragraph (1) unless, not later than 90 days after the date of enactment of this Act, the owner of the vessel referred to in paragraph (1)(B) submits to the Secretary a letter expressing the intent of the owner to, before April 1, 1997, enter into a contract for the construction in the United States of a passenger vessel of at least 130 feet in length.

(4) EFFECTIVE DATE OF CERTIFICATES.—A certificate of documentation issued under paragraph (1) shall take effect—

(A) for the vessel referred to in paragraph (1)(A), on the date of the issuance of the certificate; and

(B) for the vessel referred to in paragraph (1)(B), on the date of delivery of the vessel to the owner.

(b) TERMINATION OF EFFECTIVENESS OF CERTIFICATES.—A certificate of documentation issued for a vessel under subsection (a)(1) shall expire—

(1) on the date of the sale of the vessel by the owner;

(2) on April 1, 1997, if the owner of the vessel referred to in subsection (a)(1)(B) has not entered into a contract for construction of a vessel in accordance with the letter of intent submitted to the Secretary under subsection (a)(3); or

(3) on such date as a contract referred to in paragraph (2) is breached, rescinded, or terminated (other than for completion of performance of the contract) by the owner of the vessel referred to in subsection (a)(1)(B).

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "ISABELLE"

The bill (S. 561) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Isabelle*, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 561

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VESSEL DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel ISABELLE, United States official number 600655.

CERTIFICATE OF DOCUMENTATION FOR THE VESSELS "RESOLUTION" AND "PERSERVERANCE"

The bill (S. 583) to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for two vessels; was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for each of the vessels RESOLUTION (Serial Number 77NS8701) and PERSEVERANCE (Serial Number 77NS8901).

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "AURA"

The bill (S. 653) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Aura*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel AURA (United States official number 1027807).

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "SUNRISE"

The bill (S. 654) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel "*Sunrise*", was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade for the vessel SUNRISE (United States official number 950381).

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "MARANTHA"

The bill (S. 655) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Marantha*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade for the vessel MARANTHA (United States official number 638787).

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "QUIETLY"

The bill (S. 656) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Quietly*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S.656

Be it enacted by the Senate and house of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel QUIETLY (United States official number 658315).

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "YES DEAR"

The bill (S. 680) to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Yes Dear*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Act of June 19, 1886 (46 U.S.C. App. 289), and sections 12106, 12107, and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for the vessel YES DEAR, United States official number 578550.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "SISU"

The bill (S. 739) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Sisu*, and for the other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VESSEL DOCUMENTATION.

Notwithstanding sections 12106, through 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 8830), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel SISU, United States official number 293648.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "EVENING STAR"

The bill (S. 763) to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel

Evening Star, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTIFICATE OF DOCUMENTATION.

Notwithstanding sections 12106 through 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Secretary of Transportation may issue a certificate of documentation and coastwise trade endorsement for the vessel EVENING STAR, hull identification number HA2833700774, and State of Hawaii registration number HA8337D.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "ROYAL AFFAIRE"

The bill (S. 802) to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Royal Affaire*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 802

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Act of June 19, 1886 (46 U.S.C. App. 289), and section 12106, 12107, and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for the vessel ROYAL AFFAIR, United States official number 649292.

EXTENDING CONVERSION DEADLINE FOR THE VESSEL "M/V TWIN DRILL"

The bill (S. 808) to extend the deadline for the conversion of the vessel *M/V Twin Drill*, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 808

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE FOR CONVERSION.

Section 601(d) of the Coast Guard Authorization Act of 1993 (Public Law 103-206, 107 Stat. 2445) is amended—

(1) in paragraph (3), by striking "June 30, 1995" and inserting "June 30, 1996"; and

(2) in paragraph (4), by striking "12 months" and inserting "24 months".

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "PRIME TIME"

The bill (S. 826) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Prime Time* and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTIFICATE OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel PRIME TIME, United States official number 660944.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "DRAGONESSA"

The bill (S. 869) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Dragonessa* and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VESSEL DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel DRAGONESSA, United States official number 646512.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "WOLF GANG II"

The bill (S. 889) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Wolf Gang II*, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTIFICATE OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel WOLF GANG II, United States official number 984934.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "SEA MISTRESS"

The bill (S. 911) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Sea Mistress*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 911

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel SEA MISTRESS (United States official number 696806).

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "JAJO"

The bill (S. 975) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Jajo*, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VESSEL DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel JAJO, hull identification number R1Z200207H280, and State of Rhode Island registration number 388133.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "MAGIC CARPET"

The bill (S. 1016) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Magic Carpet*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation

may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel MAGIC CARPET (United States official number 278971).

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "CHRISSY"

The bill (S. 1017) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Chrissy*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1986 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel CHRISSY (State of Maine registration number 4778B).

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "ONRUST"

The bill (S. 1040) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Onrust*, was considered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1040

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel ONRUST (United States official number 515058).

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "EXPLORER"

The bill (S. 1041) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Explorer*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1041

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel EXPLORER, (United States official number 918080).

CERTIFICATE OF DOCUMENTATION FOR FOURTEEN FORMER UNITED STATES ARMY HOVERCRAFT

The bill (S. 1046) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for fourteen former United States Army hovercraft, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue certificates of documentation with appropriate endorsements for employment in the coastwise trade of the United States for the fourteen former United States Army hovercraft with serial numbers LACV-30-0-, LACV-30-05, LACV-30-07, LACV-30-09, LACV-30-10, LACV-30-13, LACV-30-14, LACV-30-15, LACV-30-16, LACV-30-22, LACV-30-23, LACV-30-24, LACV-30-25, and LACV-30-26.

CERTIFICATE OF DOCUMENTATION FOR THE VESSELS "ENCHANTED ISLES" AND "ENCHANTED SEAS"

The bill (S. 1047) to authorize the Secretary of Transportation to issue certificates of documentation and coastwise trade endorsements for the vessels *Enchanted Isles* and *Enchanted Seas*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Act of June 19, 1886 (46 U.S.C. App. 289), section 12106 of title 46, United States Code, section 506 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1156), and any agreement with the United States Government, the Secretary of Transportation may issue certificates of documentation with a coastwise endorsement for the vessels ENCHANTED ISLES (Panamanian official number 14087-84B) and ENCHANTED SEAS (Panamanian official number 14064-84D), except that the vessels may not operate between or among islands in the State of Hawaii.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "HERCO TYME"

The bill (S. 1648) to authorize the Secretary of Transportation to issue certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Herco Tyme*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1648

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United Stats Code, and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel HERCO TYME (United States official number 911599).

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "LIBERTY"

The bill (S. 1682) to authorize the Secretary of Transportation to issue certificates of documentation with appropriate endorsement for employment in the coastwise trade for the vessel '*Liberty*, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel LIBERTY.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "HALCYON"

The bill (S. 1825) to authorize the Secretary of Transportation to issue certificates of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Halcyon*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1825

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel HALCYON (United States official number 690219).

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "COURIER SERVICE"

The bill (S. 1826) to authorize the Secretary of Transportation to issue certificates of documentation with appropriate endorsement for employment

in the coastwise trade for the vessel *Courier Service*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel COURIER SERVICE (Vanuatu official number 688).

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "TOP GUN"

The bill (S. 1828) to authorize the Secretary of Transportation to issue certificates of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Top Gun*, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade for the vessel TOP GUN (United States official number 623642).

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "BABS"

The bill (S. 1149) to authorize the Secretary of Transportation to issue certificates of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Babs*, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1149

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTIFICATE OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel BABS, United States official number 1030028.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "BILLY BUCK"

The bill (S. 1272) to authorize the Secretary of Transportation to issue certificates of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Billy Buck*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel BILLY BUCK (United States official number 939064).

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "SARAH-CHRISTEN"

The bill (S. 1281) to authorize the Secretary of Transportation to issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade for the vessel *Sarah-Christen*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel SARAH-CHRISTEN, (United States official number 542195).

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "TRIAD"

The bill (S. 1282) to authorize the Secretary of Transportation to issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade for the vessel *Triad*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1282

Be to enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel TRIAD, (United States official number 988602).

CERTIFICATE OF DOCUMENTATION ISSUED FOR THE VESSEL "TOO MUCH FUN"

The bill (S. 1319) to authorize the Secretary of Transportation to issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade for the vessel *Too Much Fun*, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1319

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTIFICATE OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel TOO MUCH FUN, United States official number 936565.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "CAPTAIN DARYL"

The bill (S. 1347) to authorize the Secretary of Transportation to issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade for the vessel *Captain Daryl*, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTIFICATE OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and sections 12105 through 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for the vessel CAPTAIN DARYL, United States official number 64320.

CERTIFICATE OF DOCUMENTATION ISSUED FOR THE VESSEL "ALPHA TANGO"

The bill (S. 1348) to authorize the Secretary of Transportation to issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade for the vessel *Alpha Tango*, and for other purposes, was considered, ordered to be engrossed for third reading, read the third time, and passed; as follows:

S. 1348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTIFICATE OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883),

section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and sections 12106 through 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for the vessel ALPHA TANGO, United States official number 723340.

CERTIFICATE OF DOCUMENTATION ISSUED FOR THE VESSEL "OLD HAT"

The bill (S. 1349) to authorize the Secretary of Transportation to issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade for the vessel *Old Hat*, and for other purposes, was considered, ordered to be engrossed for third reading, read the third time, and passed; as follows:

S. 1349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTIFICATE OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and sections 12106 through 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for the vessel OLD HAT, United States official number 508299.

CERTIFICATE OF DOCUMENTATION ISSUED FOR THE VESSEL "CAROLYN"

The bill (S. 1358) to authorize the Secretary of Transportation to issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade for the vessel *Carolyn*, and for other purposes, was considered, ordered to be engrossed for third reading, read the third time, and passed; as follows:

S. 1358

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTIFICATE OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and sections 12106 through 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel CAROLYN, State of Tennessee registration number TN1765C.

CERTIFICATE OF DOCUMENTATION ISSUEDFOR THE VESSEL "FOCUS"

The bill (S. 1362) to authorize the Secretary of Transportation to issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade for the vessel *Focus*, was considered, ordered to be engrossed for third reading, read the third time, and passed; as follows:

S. 1362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FOCUS, (United States official number 909293).

CERTIFICATE OF DOCUMENTATION ISSUED FOR THE VESSEL "WESTFJORD"

The bill (S. 1383) to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Westfjord*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1383

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for employment in the coastwise trade of the vessel WESTFJORD (Hull number X-53-109).

CERTIFICATE OF DOCUMENTATION ISSUED FOR THE VESSEL "D'S GRACE II"

The bill (S. 1384) to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *God's Grace II*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for employment in the coastwise trade for the vessel GOD'S GRACE II (Alaska registration number AK5916B).

CERTIFICATE OF DOCUMENTATION ISSUED FOR THE VESSEL "JOAN MARIE"

The bill (S. 1454) to authorize the Secretary of Transportation to issue a certificates of documentation and coastwise trade endorsement for the vessel *Joan Marie*, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTIFICATE OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel JOAN MARIE, State of North Carolina official number NC2319AV.

CERTIFICATE OF DOCUMENTATION ISSUED FOR THE VESSEL "MOVIN ON"

The bill (S. 1455) to authorize the Secretary of Transportation to issue certificates of documentation and coastwise trade endorsement for the vessel *Movin On*, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VESSEL DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and sections 12106 through 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel MOVIN ON, United States official number 585100.

CERTIFICATE OF DOCUMENTATION ISSUED FOR THE VESSEL "PLAY HARD"

The bill (S. 1456) to authorize the Secretary of Transportation to issue certificates of documentation and coastwise trade endorsement for the vessel "*Play Hard*, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTIFICATE OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and sections 12106 through 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel PLAY HARD, State of North Carolina official number NC1083CE.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "SHOGUN"

The bill (S. 1457) to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Shogun*, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VESSEL DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and sections 12106 through 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel SHOGUN, United States official number 577839.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "MOONRAKER"

The bill (S. 1545) to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Moonraker*, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1545

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTIFICATE OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1996 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and sections 12106 through 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel MOONRAKER, United States official number 645981.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "MARSH GRASS TOO"

The bill (S. 1566) to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Marsh Grass Too*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel MARSH GRASS TOO, hull identification number AUKEV 51139K690.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "KALYPSO"

The bill (S. 1588) to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Kalypso*, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for employment in the coastwise trade for the vessel KALYPSO (vessel number 566349).

CERTIFICATE OF DOCUMENTATION ISSUED FOR THE VESSEL "EXTREME"

The bill (S. 1631) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Extreme*, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTIFICATE OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and sections 12106 through 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel EXTREME, United States official number 1022278.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from California is recognized.

Mrs. BOXER. I ask the Chair, is it necessary for me to get approval to speak in morning business for up to 7 minutes?

The PRESIDING OFFICER. The Senator should ask unanimous consent.

Mrs. BOXER. I make that unanimous-consent request at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

USING TIME ON THE SENATE FLOOR TO DEMEAN THE PRESIDENT OF THE UNITED STATES

Mrs. BOXER. Mr. President, I feel compelled to make this statement at this time on the Senate floor. First, I want to express my profound dismay that after an attack of terrorism that occurred at the Olympics, colleagues on the other side of the aisle would use 1 hour of time to degrade and demean the President of the United States. We only have one President at a time, and we may not think that everything he does is perfect. But at such a time when we are trying to unite as one, in the face of an act of terror and, perhaps, an act of terror on TWA flight 800 not long ago, that we would use the Senate floor in such a blatant partisan way is offensive to me.

The junior Senator from Georgia made a few very appropriate remarks in the beginning of his statement. He called for a moment of silence for those who perished, and that was most appropriate. But, after that, we descended into something that I could describe as a blatant attack on this President. It seemed to me as if it was almost scripted, that this is what they had planned to do, and it did not matter what happened over the weekend.

I come to the floor to call on our country to come together in the face of what has occurred, not to find issues that divide us. Does that mean that I am pleased with the progress made on the war against drugs? No, I am not. Does that mean that I do not share my colleagues' view that we must do more? I do agree with that. We must do more. We all applaud the appointment of General McCaffrey to head this war on drugs. We must do more on that. We must do more in curbing alcohol abuse, because these things bring tragedy to families. But, today, I hope that if we are going to discuss the war on drugs, we will keep it elevated at a level that could bring us together and not pull us apart.

To me, it was extraordinary that Senators on the other side of the aisle, over and over again, alluded to individuals who worked for the President who admitted to using marijuana. But they omitted something in their partisan attack. What about the Speaker of the House, who admitted that he did the same thing? What about the keynote at the Republican National Convention admitting over the weekend that, sure, she did it? But this place is so partisan that you never hear any of that. Look, many individuals in our society have made mistakes, have done things they should not have done. We know more now than we knew then, true. So rather than attack one particular individual, as they did on this floor, or members of one particular party, as they did on this floor, let us get past it and let us work together.

TERRORISM

Mrs. BOXER. Mr. President, now, in the remainder of my remarks, I am going to talk about what I think we should be doing in a constructive way. The first thing I want to do is compliment Senator NUNN from Georgia for

leading the fight on this floor to ensure that, in fact, we have a military presence at the Olympics—in plainclothes, but thousands and thousands of personnel are there. This Federal Government is supplying that. There was a fight on this floor, and 20 Senators thought it was wrong. I am glad that, in a bipartisan fashion, we prevailed, because that presence is needed and is important.

Second of all, I want to commend the President for his remarks, for bringing us together, for vowing, along with so many others on the Olympic committee, that the Olympics would continue in the face of this cowardly act, and for calling congressional leaders to the White House to fix the antiterrorism bill that we passed that we could not get support for in certain areas where we should have gotten support:

A provision increasing the statute of limitations for making bombs, sawed-off shotguns, and silencers. That happens to be a provision I authored, was passed in the Senate and dropped by the House. It is not the law of the land. The police sometimes need more time to go after people who make a bomb. We should fix that.

A provision requiring the placement of taggants on black and smokeless powder. We need to get that passed.

A provision prohibiting the dissemination of bombmaking instructions when the instructor knows that the information will be used for criminal purposes. We need to get that passed.

A provision that changed wiretapping authority so criminals cannot use modern technology to evade court-approved wiretaps.

A provision making terrorism an offense for which a wiretap can be authorized on an emergency basis. There is no reason that Republicans and Democrats cannot come together with the President and get that done immediately.

Mr. President, we could be taking more security measures at our airports. I keep focusing on the fact that this Congress gave the military $12 billion more than the military asked for. I think we have to be prepared to fight terrorism. It is a threat against our people. And if we took a small portion of that $12 billion, we could put the most up-to-date scanners at every single airport in this country. If we took a portion of that money that the Pentagon did not want, we could make sure there are bomb-sniffing dogs at every airport where the airport asks for that kind of assistance. These are very effective tools. There is no reason why, in the greatest country in the world, the greatest democracy in the world, the strongest country in the world, we have airports that don't have those tools available to them, and we have a military that says, "You gave us $12 billion too much." We can do it through the military budget—just make sure it is under civilian control. But we should act to do those things.

Mr. President, when I was in the House, I sat as the Chair of a subcommittee that oversaw the FAA, and then we saw problems that haven't been remedied. So there are things that we can do. Now, we know that Vice President GORE is heading a Presidential commission, and in 45 days we are going to have his report. I hope we will pull together. I hope we will not see the kinds of things we saw here on the Senate floor this morning. I hope we will pull together and do what it takes.

We know that the European Union countries have much stronger screening techniques than we have here. There is no reason that our people should not have that sense of confidence. Yes, it may take us 15 or 20 minutes more to get that flight off the ground. I don't know one individual in this U.S. Senate, be he or she a Republican or a Democrat, that would believe another 15 minutes would hurt them. Fifteen minutes is not going to hurt anybody.

In closing, Mr. President, I thank my colleagues for allowing me to address the U.S. Senate over the subject matter of the bill. But I hope we will all be moved to come together in a spirit of bipartisanship and set aside our partisan bickering, that we will work together, that we will send our sympathies as one to Alice Hawthorne's family, 44 years old, killed at the bombing, and to the Turkish cameraman, Melih Uzunyoz, who died from a heart attack while rushing to the scene; and, of course, to every single family member who lost people in the TWA crash.

I hope that we will come together and that we will do what it takes to take every step we can in a democratic society to guard against terrorism, be it terrorism from within our borders or terrorism from outside our borders. These are cowardly acts, and we should put a stop to them to the extent that we can within our democratic framework.

We can take the steps that I mentioned without giving up any of our freedom. We can take the steps that I mentioned without spending too much. We have those resources in this country, and I urge us to work together. Thank you very much, Mr. President.

I yield the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1977

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1958, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1959) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes.

The Senate continued with consideration of the bill.

AMENDMENT NO. 5095

Mr. JOHNSTON. Mr. President, I rise in opposition to the McCain amendment, which would cut $22 million from the Advanced Light Water Reactor Program.

Mr. President, there are a number of reasons not to cut this money. The clearest and simplest and most obvious and most unanswerable is this is the fifth year of a 5-year program, a program entered into at the behest of Congress with the Energy Policy Act of 1992 for which contracts have been made and it would cost more to terminate the program, Mr. President, than to continue the program.

This has been certified to by Assistant Secretary Terry Lash, who is Director of the Office of Nuclear Energy Science and Technology, in his letter to Honorable MICHAEL DOYLE of July 24, 1996, which was entered into the CONGRESSIONAL RECORD on July 24, and certifies the fact that termination costs in the program would be considerably more than the continuation of the program.

Moreover, the recoupment of cost by the Federal Government would be precluded, which would result in further lost revenue to the Federal Government of $125 million according to Director Lash's Department of Energy office.

The reason for this is that, for example, with the AP–600, which is a Westinghouse reactor, the agreement requires that, upon the sale of the first reactor, they will have to repay the Department of Energy $25 million, and $4 million for each reactor thereafter sold.

The same thing is true with General Electric, which has already sold two reactors under this program to Taiwan for which there would be a required payment of $3 million for those reactors. That obligation would presumably be canceled.

So, Mr. President, in order to make any nuclear demonstration, the McCain amendment would actually cost the Federal Government money without regard to whether or not you like the program. Whether you are antinuclear, or whatever, the fact of the matter is the Federal Government would lose money under the McCain amendment. It is the fifth year of a 5-year program, and it is very close to fruition. All of the money that has been spent on this program, most of it private, would be lost if the program is not finished.

Why did the Congress see fit in 1992 to go into this program? Because the American nuclear program, from its inception I think, was not conceived in the way that it should have been in that each reactor which was built in America under this program was a one-of-a-kind reactor designed from the

ground up as a separate reactor. Each had to be separately licensed. Each had to meet separate tests to determine whether design was sufficient.

We found, after Three Mile Island, that many of these designs were lacking and had to be redesigned. During the construction of many of these reactors after Three Mile Island in the mid-70's, those were the days of very high interest rates. Interest rates were well over double digits at the time. You had to undo that which was done and start all over again. For that reason, those reactors are very high cost, some running between 5 cents and 10 cents a kilowatt hour, several times the amount for which electricity can be generated today.

In order to remedy that situation, in the Energy Policy Act of 1992, we, first of all, remember, did nuclear licensing to provide for what we call the generic design and the generic licensing of a new reactor, so that you would be able to go in and separate the construction license from the design license and be able to rely upon the fact that your design was a valid and safe design at the time you commissioned your reactor project. We amended the licensing act in order to do that.

Also, as part of that, in tandem with that program, we entered into the Advanced Light Water Reactor Program, which was calculated to design a generic reactor so that each reactor of the time sought to be licensed would be the same reactor. Westinghouse has probably the lead design in this. It is called the AP-600. The AP-600 is unique for American reactors in two respects:

First, it would be, as I say, generically designed and generically licensed so that when you go to buy an AP-600, wherever you are in the world, it would be the same AP-600. It would be largely manufactured at the factory so that you do not have to do everything out at the site, and each one will be the same.

Second, Mr. President, and very importantly, it is what we call a passively safe reactor. It does not depend totally on pumps and sources of electricity and that sort of thing in order to provide coolant. So in case of a catastrophic failure, it is designed to have coolant which would automatically come down into the reactor and render it safe.

Nuclear plants, as the Chair well knows, are designed to have many redundant safety features so that you have power lines coming in from two or three different places and generators on site so that in case one set of power lines goes out, another will be there. In the case of both of those or all three of those going out, then generators are designed to come on automatically.

But the AP-600, the advanced light water reactor, is designed to be passively safe so that even if everything else fails, in effect the coolant water will automatically come down into the reactor vessel and render it safe in case of the most unimaginable catastrophic event.

Now, Mr. President, we are very close to completing this program. The AP-600 was delayed not by the Department of Energy, not by Westinghouse but by the NRC in its licensing program which no one could control but the NRC. It is due to be finished in the next fiscal year, fiscal year 1997, and the money provided in this bill will complete the job.

The argument against this is apparently that no American utility at this point wants to buy one, and so therefore do not complete it and therefore we can be sure that no one is going to be able to buy one.

The fact is it is unlikely that any American utility in the next few years will build a new nuclear plant, and that is because natural gas is relatively cheap. It is because the technology of natural gas turbines has advanced so far so fast that it is now the cheapest way to generate electricity, and I do not expect a big coal plant to be built and I do not expect big solar plants to be built as far as the eye can see. But I do expect additional natural gas plants to be built. And that is in this country.

Mr. President, around the world, the situation is somewhat different. In China, for example, it has already commissioned some 6,000 megawatts of nuclear power. They really wanted American technology, and they have a very long and excellent relationship with Westinghouse, and I believe that the Chinese would purchase the AP-600. It will soon be licensed. It would be licensed in time for them to use the technology. But our Government prevents us from selling nuclear plants to China, this being an outgrowth of the Tiananmen Square incident in 1989. We expect that agreement with respect to nuclear power will be in the not too distant future. At least I hope that we would have an agreement with China for the furnishing of nuclear technology. In fact, the 6,000 megawatts have been ordered from Russia, from France and from Canada, all of which have technology which is inferior to American technology and I think is far inferior to the newest technology, that is, the AP-600.

The Chinese like the size of the AP-600—that is, 600 megawatts, a modular size. The Chinese have lots of dirty coal but virtually no natural gas and a huge population, a huge problem of So2, of global warming, of air pollution, and they believe that nuclear power is a very big part of their future, and that is why they have already commissioned some 6,000 megawatts. They have in future plans an additional, I believe it is, 11,000 megawatts for the first decade of the next century and a clear and strong commitment to nuclear power.

I must say for those in this country who feel strongly about global warming—and I do—I submit that this is the best solution to the problem of global warming, clearly the best solution for the problem of air pollution. If the economics are right, clearly the environment so far as China is concerned, as well as other nations on the Pacific rim, this is an excellent solution. Other countries are moving ahead, particularly in the Pacific, with nuclear power including Japan and Taiwan, South Korea. Of course, North Korea will soon be getting a reactor built and designed principally by the South Koreans adopting the original Westinghouse technology.

Mr. President, the point I am making is not that we are getting ready to sell a lot of these reactors in the United States. We are not. But on the Pacific rim they are moving forward; they have made the decision; they have made the commitments. And the question is, would you rather complete a 5-year program on which private industry has spent almost $500 million to complete and get the good out of it to build the most technologically proficient, the safest reactor in the world which would then be available for sale to these foreign countries or would you rather terminate the program and subject the Government to greater damages than it would cost to spend on the $22 million it takes to complete the program.

No one has answered that overwhelming argument of why you would want to terminate a program that is so close to finishing when it cost more to terminate than it does to complete the program.

One other thought. I believe the Federal Government needs to be true to its word and to its commitments just as individuals need to do that. And the reason is that if people are going to be encouraged and companies are going to be encouraged to do business with the Federal Government, to undertake research, to undertake the expenditure of large amounts of their own money, then they ought to have some assurance that the word of the Federal Government is good because to the extent that we terminate these projects—we terminated the SSC, we have terminated the other projects—then soon the reputation of the Federal Government will be such that no one will want to enter into the doing of business with it.

In the home State of the occupant of the chair, they are now seeking to enter into large contracts with private firms in order to clean up the mess at Hanford, in order to vitrify the waste there and be able to store it. It is a private undertaking. They are being encouraged to bid and to have a competition and to do business with the Federal Government.

If we would adopt this amendment, it would make that kind of obligation

and others like it less and less attractive to the private sector.

I repeat, the most overwhelming and most unanswerable part of this argument is that it costs more to terminate than it does to finish this obligation of the Federal Government, and we ought therefore to do it. In addition to the fact that the Federal Government would lose the profit which it would get from the sale of these reactors in the future as well as those already sold to Taiwan, and that the Federal Government and our country would lose a great opportunity to do business in the future.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I know that Senator BUMPERS wants to offer an amendment and he is going to be very generous in the agreement on time.

I thank Senator JOHNSTON for his argument, and I wish to indicate very openly and publicly that I support his position. I do not believe we ought to kill this program when it is about finished. We ought to let it complete its remaining 1 year.

A couple things have not been said about the program. Obviously, the word subsidy is bantered around, but everyone should know that the advanced light water reactor program, first, is 90 percent complete.

Second, there is $40 million in this entire appropriations bill to complete this project. When it is completed, that will complete a $713 million advanced light water reactor program, of which $270 million is the DOE and, get this, $440 million is private industry funded. So for those who talk of a subsidy, we have $440 million coming from the private sector, $270 from DOE. This last $40 million will complete the work and wrap the program up and dismantle it. So the subsidy is there, but the ratio is pretty heavily in favor of the private sector putting the money in.

I have looked at this. I understand what some of my colleagues are looking at. We are looking at this budget critically, but I am aware of the fact that we are not going to save any money by closing the program down now, and as a matter of fact we may throw away some real opportunities to have some really significant and new technology applied to nuclear reactors.

Whether we think we want any more nuclear reactors or not is not the whole issue. American companies build nuclear reactors for the world, and we are the world's leader in that. We will continue as the leader and probably sell many of these types of reactors in the world market. To the extent that China chooses to use them, it is a very, very significantly appropriate environmental cleanup method, because if they do not use this, they use dirty coal, which they have in abundance. So, in a real sense we are being very, very irresponsible in closing down a program with 1 year left which has many qualities that will add to America's capability to employ our people and sell our products and at the same time help the world clean up some of the dirtiest environment around in some of the growing industrial areas of the world outside of our own country and Europe and the like.

So, for those who wonder about frugality, I would be for cutting any program of $40 million I could take out of this bill, but this is not the one.

Mr. President, opponents of the ALWR Program have argued with great indignation against continuation of what is called a corporate subsidy. It is only fair to note that U.S. electric utility companies and the ALWR contractors have contributed $3.50 for every $1.00 of DOE funds spent on the program.

Most importantly, Mr. President, the ALWR Program is 90 percent complete. The modest funding contained in this bill is the last piece of Federal funding. It will complete the $713 million ALWR Program, of which almost $270 million is DOE funding the $444 million is private industry funding.

Mr. President, may I assure my colleagues who are critical of the ALWR Program, that I am mindful of their point of view. And I would hope that their close examination of what the committee proposes to do in this bill will lead them to the conclusion which I myself have reached:

That is, the ALWR Program funding in the bill is the best and most effective way to close out the program successfully and with the highest return to the taxpayer for the hundreds of millions of dollars already spent. Conversely, failure to close out the ALWR Program in the way the committee recommends creates a colossal waste of the money already spent.

Mr. President, I believe prudence and thoughtfulness require support for the committee's position.

COMPLETION OF THE ALWR PROGRAM

Starting in 1990—design certification—and in 1993—first of a kind engineering—the ALWR represents a joint commitment by government and industry to develop a new generation of standardized, advanced reactors, coupled with a one step NRC licensing process for such designs.

In fulfilling the plan set out in the Energy Policy Act, both Congress and industry recognized that developing a new generation of reactors involved Government/regulatory risk as well as technological risk. While reactor manufacturers and the utility industry committed funds to develop the technology, the Government/regulatory risk with a new, untried licensing process was sufficiently significant to call on Government to share that risk and cost with the private sector.

The innovative, passively safe systems involved in this new generation of reactors are recognized as a world class development. As an example, 20 nations are involved in the AP600 program and extensive testing programs both in the United States and abroad have demonstrated that the passive safety systems will work as predicted by the design codes.

Congress directed that the program should be cost shared, with payback to the Federal Government from royalties on the sale of plants. To date $713 million has been invested in the program, of which $444 million—62 percent—has come from private industry. In addition, $125 million of the DOE funding will be repaid as royalties on the sale of plants.

The program is 90 percent complete and will be completed with the modest funding provided by the $40 million DOE fiscal year 1997 request. At the end of the design certification and first-of-a-kind engineering programs for the AP600, three new standardized American reactor designs will be ready for the market. This accomplishment will represent the only recent, successful completion of a major new energy design project to meet America's and the world's future energy needs. This could not have been accomplished without the shared commitment of government and the private sector to the Advanced Light Water Reactor Program.

Failure to provide the final year of funding and abandoning DOE's role before completing the final year would result in the complete loss of the $713 million investment to date. The end goal of final design approval and design certification by the NRC would not be realized and the investment and years of effort wasted. Failure to complete would also be a clear signal that the United States no longer seeks to lead the world in developing standardized passively safe reactor designs for world wide application.

I ask unanimous consent some material, a list of seven common myths, and a letter from the chairman of the advanced reactor corp. be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INVESTMENTS—THROUGH SEPTEMBER 1996—TOTAL ALWR PROGRAM

Design certification: DOE—$188 million; Industry—$305.7 million.

Foake: DOE—$81.3 million; Industry—$138.4 million.

Total program: DOE—$269.3 million; Industry—$444.1 million.

TOTAL—$713.4 million.

DOE—37.7 percent.

Industry—62.3 percent.

SEVEN COMMON MYTHS REGARDING THE DOE ADVANCED LIGHT WATER REACTOR PROGRAM

(Prepared by the U.S. Department of Energy, July 1996)

Myth 1.—The Program's Authorization under the Energy Policy Act of 1992 ends in FY 1996

Reality: The Energy Policy Act of 1992 (EPACT) limits the First-of-a-Kind Engineering (FOAKE) program to five years, states that no entity shall receive assistance for a period greater than 4 years, and limits total program funding to $100 million. The EPACT became law in fiscal year 1993. Therefore, the five year limit will not be reached until FY 1998 and the four year "assistance" limit will not be reached until FY 1997. The Department is full authorized under the EPACT to apply funds to the FOAKE program in FY 1997.

Further, the Department has spent only about $82 million on this program since it began in 1992. There have been significant increases in program cost, but these have been absorbed by industry. In any event, the Department is also fully authorized by the Atomic Energy Act to conduct nuclear energy research and development programs and the EPACT does not limit this authority.

Myth 2.—The FOAKE Program was to end in 1996 because the EPACT mandated that any nuclear designs developed in the program should receive certification in 1996

Reality: In 1992, the Department expected that both of the designs included in the FOAKE program—the Advanced Boiling Water Reactor (ABWR) and the AP600—could be developed on schedules which would have achieved NRC certifications by the end of FY 1996. While the program was designed to lead to certification in FY 1996, the Department had no control over the Nuclear Regulatory Commission's certification process, which involved far more review and testing than the Commission anticipated in 1992 (most of the delays are associated with extra testing required to verify the performance of advanced safety systems). As a result of these delays, the Department expects certification of the ABWR by late FY 1996 and of the AP600 by FY 1998. The EPACT does not limit the Department's authority to conduct the program, but merely guided DOE's selection of technologies to assure that only near-term technologies would be included in the program.

Myth 3.—The EPACT Prohibits the industry from seeking export markets for ALWRs developed in the FOAKE program

Reality: The EPACT places no restrictions on U.S. industry's ability to compete in the international market. Further, the fact that U.S. vendors participating in the program are seeking overseas contracts to build ALWRs does not suggest that ALWRs will not be built in the U.S. In fact, since the market for new nuclear plants in the United States is not expected to materialize for another ten years, it is imperative that U.S. vendors win overseas orders if the U.S. capability to build new plants is to be preserved.

Myth 4.—The ALWR Program is Corporate Welfare

Reality: The Department's program is designed to apply a very limited allocation of federal funds to encourage U.S. industry to pursue R&D that is in the interest of the United States. The preservation of the nuclear energy option is vital to the future of energy diversity in this country. It is clear that the market in the United States for ALWRs will not materialize for at least another ten years. In this environment, U.S. industry could be forced to abandon the nuclear power plant market to heavily subsidized foreign industrial concerns. The future ability of U.S. industry to build new plants in this country could be lost.

To prevent this from occurring, the Department conduct a very modest program—the last commercial nuclear energy program conducted by the federal government—to work with industry to maintain the nuclear option for the next century. Since the ALWR program began in 1986, the Department has conducted $800 million in program activities with a taxpayer investment of only $300 million over ten years.

Moreover, the Department receives reimbursements when technology developed by the FOAKE program is sold. For example, the federal government will receive approximately $3 million from General Electric as a result of its sale of ABWRs to Taiwan (which, unlike the plants GE previously sold to Japan, are based on technology developed by DOE's program).

Myth 5.—There is no U.S. utility interest in building new ALWRs

Reality: The fact that the electric utility industry has provided hundreds of millions of dollars to conduct ALWR activities indicates that utility executives remain interested in the nuclear option. For obvious reason, no utility that is interested in placing ALWR orders in the future would be likely to indicate that interest publicly. However, recent discussions between DOE officials and electric utility chief executives have clearly indicated that U.S. utilities continue to see the nuclear option as viable. While the U.S. market for ALWRs is not expected to materialize for another decade, these utilities seek the Department's program as a critical step to assure that next-generation nuclear plant designs are available if they are needed.

Much has been said in recent months about a Washington International Energy Group survey of utility executives that indicates that 89% of utility CEOs would not consider ordering any new nuclear power plants. It is important to note that this survey received responses from only 397 of nearly 3600 U.S. electric utilities—and it is not clear that the respondents include the 44 utilities that currently own and operate nuclear power plants. The Department does not believe that this survey provides an accurate view of utility interest in new nuclear plants.

Myth 6: DOE is paying Nuclear Regulatory Commission fees that should be paid by industry.

Reality: No taxpayer dollars have been used to pay NRC fees. It is true, however, that NRC's increased review and testing requirements forced the program to perform additional technical work. While most of the extra work was funded by industry, part of the added cost was supported by the DOE ALWR program. The additional technical work represented an expansion in the work scope for the program, but is clearly the type of expenditure anticipated by the EPACT.

Myth 7: General Electric terminated its Simplified Boiling Water Reactor (SBWR) activities because there is no market for small plants. Similarly, there is no market for the Westinghouse-designed AP600.

Reality: While it is true that GE terminated its mid-sized SBWR project, it must be recognized that GE's market strategy is very focused on the east Asian market-particularly Japan. In many of these countries, land is a scarce resource and there is considerable incentive to build large plants with high power capacity. Other potential markets are less concerned with space and more interested in factors such as lower capital cost and lower complexity—attributes natural to mid-sized plants. These attributes are very attractive to U.S. utilities and others as well—currently 22 countries contribute funds and personnel to the AP600 program. The Department believes that this represents a significant international interest in advanced mid-sized nuclear power plants with passive safety systems.

ADVANCED REACTOR CORP.,

June 28, 1996.

Hon. NEIL ABERCROMBIE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE ABERCROMBIE: On behalf of the member utilities of the Advanced Reactor Corporation, we urge you to support $40 million for research and development on Advanced Light Water Reactors (ALWR) in the Energy and Water Development Appropriations bill for fiscal year 1997. The ALWR Program has an excellent record of achievement and is nearing accomplishment of its goal to open the option for future nuclear power electricity generation, as endorsed by the Energy Policy Act of 1992.

The Nuclear Regulatory Commission has granted final design approval for the evolutionary ALWR designs and formal design certifications on both are awaiting formal resolution of NRC regulatory process issues. The first-of-a-kind engineering (FOAKE) portion of the ALWR program for the GE evolutionary advanced boiling water reactor will be essentially completed by certification and FOAKE for the new, midsize, passively-safe, pressurized water ALWR, the Westinghouse AP600.

The ALWR program is a sound investment continuing to build on the energy security and environmental benefits provided by current plants. Risk sharing of the investment and commercial interest are carefully balanced with industry paying about 62 percent of the total costs, coupled with subsequent pay-back provisions. For example, Westinghouse will pay back $25 million of the Energy Department's contribution for design certification as a royalty on the sale of the first AP600. Additionally, all of the funds provided for FOAKE by both the utilities and the Energy Department will be paid back to each as royalties on sales of the AP600 by Westinghouse and by General Electric on sales of its Advanced Boiling Water Reactor.

Our companies entered the government partnership for the FOAKE portion of the ALWR program in February 1992. Later that year, Congress passed the Energy Policy Act of 1992, which reaffirmed the nation's commitment to nuclear power and to cost-shared energy research and development. At that time, Congress recognized the time, costs, and risks associated with the process of developing and certifying new reactor designs. Congress has proceeded with this timely program, sharing those costs and risks so that new reactor designs will be a safe, cost-competitive option for future baseload electricity needs.

Clearly, America has benefited from the nation's investment to date in nuclear energy technologies with about 20 percent of our electricity coming from pollution-free nuclear power plants.

Although there is not an immediate need for new baseload electricity in the United States, energy forecasts predict a 28 percent growth in demand by 2010. To meet this need, our companies believe they must have the option to consider standardized, NRC-approved nuclear plants as a part of a balanced

mix of power generation facilities. To obtain that option, ARC member utilities are investing in the industry-government program to develop advanced light water nuclear plants. No other type of nuclear plant for commercial generation of electricity will be available in the U.S. within our planning horizon. With this technology, we will continue to lead the world and set high standards for safe and reliable commercial nuclear power.

We urge congress to continue its commitment for this vital national energy investment by appropriating a supporting government share of $40 million in FY97.

Sincerely,

JAMES J. O'CONNOR,
Chairman, Advanced Reactor Corp.

Mr. DOMENICI. Mr. President, I hope we will not agree with Senator MCCAIN when we vote tomorrow. If the unanimous consent agreement is complied with, it will be the first amendment up tomorrow. So we will remind you that is the first amendment tomorrow.

The PRESIDING OFFICER. The Senator from New Mexico is advised the yeas and nays have not been ordered.

Mr. DOMENICI. I am sorry. They were not ordered because we did not have a sufficient second, but we assured Senator MCCAIN we would cooperate with him getting the requisite yeas and nays.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 5096

(Purpose: To reduce funding for the weapons activities account to the level requested by the Administration)

Mr. BUMPERS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The two pending amendments will be set aside by unanimous consent. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself and Mr. HARKIN, proposes an amendment numbered 5096.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 23, line 8, reduce the amount by $286,600,000.

Mr. BUMPERS. Mr. President, first of all, I ask unanimous consent we limit this amendment to 15 minutes with the time equally divided.

Mr. DOMENICI. I thank the Senator. I wholeheartedly agree.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, this is an amendment which could get terribly complex. It involves a segment of the energy and water bill that is immensely complex. It is called "Atomic Energy Defense Activities." Within that there is an account called "Weapons Activities."

This bill contains $3.978 billion, almost $4 billion, for weapons activities. That is too much.

Let me say by digression, there are not two people in the Senate for whom I have a greater respect and admiration and personal friendship than the chairman of the committee and the ranking member, Senators DOMENICI and JOHNSTON. But I feel obligated to raise this issue and get the debate going on how much money we are putting into this weapons activities account. Mr. President, the Senate bill proposes to provide roughly $269 million more than the President's request and $300 million above the House level.

The Senate bill's proposed funding level is actually $531 million above the amount provided in fiscal year 1996, a 14-percent increase. That is just entirely too much.

I had a very good, lengthy letter from Senator DOMENICI pointing out that one of the reasons for this increase is that DOE had some carryover money in prior years that we are spending in 1996. However, that only accounts for a portion of the 14-percent increase. My amendment takes the carryover funds into account and proposes to reduce the weapons activities account by only $269 million, which is the difference between the amount provided in the Senate bill and the administration's request.

The Senator makes what I know he considers to be plausible arguments, and I am not in a very good position to dispute some of the technical arguments made about why it was necessary to put all this extra money into this account. But any time you are offering a 14-percent increase in any kind of a budget in this day and time, with the budget constraints we are under, it ought to get every single Senator's attention.

The OMB Acting Director, Mr. Lew, sent each Member of the Senate a letter outlining the administration's concerns about the Senate bill being $531 million above 1996 spending levels. And well he should be concerned. He is concerned because we are putting another $531 million into weapons activities, and the Department of Energy is suffering mightily from cuts in civilian energy and research programs.

The Appropriations Committee report outlines the add-ons to the weapons activities programs. If you look over those add-ons, I am not sure exactly what they do, but there is one thing I do know. About $90 million is not authorized.

For example, there is an $80 million add-on for stockpile stewardship and $50 million of that is not authorized. What are we doing appropriating money that has not been authorized?

There is an add-on for $40 million for the accelerated strategic computing initiative—a mighty fancy name and I am not sure what all it does. But it is not authorized. The request already proposes $120.6 million for the program—a 43-percent increase from fiscal year 1996.

Mr. President, I only have 7½ minutes on my time. I am not going to pursue this any further. I would just like to make a comment. I was speaking to 400 of the brightest kids in Arkansas at what is called Governor's School Saturday and about 800 parents. Politicians do not get a chance to talk to 1,200 people very often. I was trying to figure out what I could say to those youngsters that my father used to say to me about the nobility of being in politics and public service. Not too many people believe that anymore, including an awful lot of people in this Chamber. They do not think it is such a hot profession anymore, either, including the 15 colleagues that are leaving this body.

But I tried to leave them on an upbeat note. I told them there were no problems in this country that were insurmountable. Indeed, if it weren't for the way we misspend money, I promise you we could have a balanced budget with a $100 billion surplus in 1997.

When I talk about how we misspend our money, you bear in mind that this year, this fall, September 1, we will have for the third consecutive year less food carryover in our grain bins than we have ever had. The third straight year that our foodstuff carryover is going to be down, and in 1995, for the first time in 50 years, yields of foodstuff such as wheat, corn, rice, and so on, did not go up.

So how are we dealing with that? We are putting $1.2 billion into agriculture research this year, 1996; $1.2 billion. What are we giving the Defense Department for research on things that will explode and kill people? Mr. President, $35 billion, almost 35 times more than what we are putting into agriculture research to feed our people and help feed the world, indeed.

Mr. President, $14 billion is going to NASA, $2 billion of which will be for the space station, and nobody has ever explained why we are putting money in the space station.

And $12 billion for medical research, which everybody heartily agrees with. Incidentally, one of my staff members, Tracy Alderson, is leaving my office to pursue a medical degree and hopefully advance the cause of medical research in the future.

When you put it like that, there are very few people in America who would agree with those priorities. So while the $531 million increase in weapons development doesn't mean much around here in a $1.7 trillion budget, it "ain't" beanbag either. What it would do in medical research, what it would do in educating people, what it would do in providing more health care—and think

about this—think what it would do in reducing the deficit, $531 million.

Mr. President, my amendment does not even propose to eliminate the entire $531 million increase. Rather, I am only trying to get us back to what the President requested, which is a 7-percent increase in this account.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, when we took testimony from Mr. Vic Reis, who is the Defense Department liaison with these programs, we established the basic proposition with him in the record during his testimony, that the entire stockpile stewardship program, with all of the things we would have to add to it, to the previous programs and the maintenance of certain facilities that we hold in a contingency posture, should be about $4 billion.

Having established that, we went through the budget and determined that the executive budget was only $3.7 billion. They were $300 million short of what Mr. Vic Reis, the leading expert in the Department of Energy for the DOD stockpile stewardship program, said.

If one notices, the difference between $3.7 billion and $4 billion is very, very close to the $269 million that my good friend from Arkansas is seeking to take out of this bill. It doesn't quite get to the $4 billion mark with $3.7 billion, but it gets close.

The President's budget request said the following:

Defense program 5-year budget projections contained in the national security 5-year budget plan for 1996 through 2000 indicate that the stockpile stewardship and management programs will require increased funding for a period of several years after FY 1996. This baseline—

That is starting point—

has been modified to reflect fiscal year 1997 programs and budget decisions, but the outlook is much the same. Near-term investment must be increased to develop the new and appropriately sized effective complex and to develop the new tools required to maintain confidence in the safety, security and reliability of the stockpile in the absence of underground testing.

From a base of about $3.6 billion in 1996, the annual total may reach $4 billion by the year 1998. In August of 1995, President Clinton announced the United States would pursue a zero yield comprehensive test ban treaty as a condition. The President outlined a series of conditions under which the United States could enter this comprehensive test ban treaty.

The first condition was the implementation of a stockpile stewardship program. In January 1996, the Senate overwhelmingly approved the START II Treaty. The ratification text committed the United States to, one, a robust stockpile stewardship program; two, maintain sufficient production capabilities; three, maintain the national laboratories and the core competencies within them; four, maintain the Nevada test site in case the President determines a case of supreme national interest necessitated an underground test.

Where the increases go: $82.5 million of the $269 million that Senator BUMPERS is referring to for the stockpile stewardship program will be spent on the following: $20 million is for enhanced surveillance to monitor the aging of weapons. That is perilously important. We must develop new techniques to monitor the aging of these weapons, some of which are 30 years old, and they contain hydrogen and nuclear blast capabilities and they must be safe, they must be trustworthy, and they must be maintained.

Of that $82.5 million, $40 million is for advanced scientific computing programs. Incidentally, the distinguished Senator from Arkansas questions that program. Last Friday, the President announced that these funds would be used by IBM to build a computer 300 times faster than existing computers to model the inside of nuclear weapons. The computer will be installed at Lawrence Livermore in California. I am certain that within the confines of the money here for this area of endeavor that there will be some other major advanced scientific computing programs announced.

Mr. President, $10 million is for software for these new supercomputers, and $10 million is for advanced manufacturing techniques.

The second item that he would strike is $171 million from stockpile management, of which $100 million is to upgrade production plants in Texas, South Carolina, and Missouri. This money will ensure the plants will be able to remanufacture weapons as needed. This is also a condition that I understand those in charge of our national defense insist upon if we are going to abide by the "no additional underground nuclear testing" position. Fifteen million dollars of that $171 million is to enhance surveillance activities at plants to assess the reliability and safety of the weapons stockpile.

Fifty million dollars is for new tritium sources so that the total amount of $150 million may be provided.

Mr. President, having worked on this bill for a long time, I am concerned that we provide adequate defense money to the Department of Energy so they can do their job, for there are many who would like to accuse it of not doing its job but are not considerate of the money needed for the defense work.

We believe we are moving rapidly in the direction recommended by the President and the Joint Chiefs of Staff with reference to the science-based program for stockpile safety and maintenance. We think these items are absolutely essential to get us there and keep us there for the next few years as we see whether or not we can actually accomplish this without underground testing.

If I have any additional time, I yield it back. I ask Senator JOHNSTON, do you want to speak?

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. DOMENICI. I yield whatever time I have remaining to Senator JOHNSTON.

Mr. JOHNSTON. I simply rise in support of the position of the Senator from New Mexico. I was here several years ago speaking in favor of the continuation of the testing program, because I thought it was important for both reliability and safety.

The Senate saw fit to do away with that testing program. The justification was that there were other ways with this stockpile safety program to achieve the same ends. That is why we have funded the program as we have. That is to achieve those same ends for reliability and safety of our nuclear deterrent. I think it would be a great mistake to cut that funding.

AMENDMENT NO. 5097

(Purpose: To ensure adequate funding for the Biomass Power for Rural Development Program)

Mr. JOHNSTON. Mr. President, I have been requested by the Senator from Minnesota [Mr. WELLSTONE], to offer an amendment on his behalf. I will shortly send that to the desk. Let me state what it does. I am sorry that I will not be able to support the amendment. In fact, I will oppose the amendment. But nevertheless, as a courtesy to my colleague, I will offer it.

What it would do is to take four-tenths of 1 percent of each program in R&D, energy supply, and put that into a program called Biomass Power for Rural Development. The money now available, some $55 million, in biomass fuels in the bill, part of that could be used for the purposes for which the Senator from Minnesota would like it used, that is, the Niagara Mohawk power project, involving short rotation willows, which would be grown and harvested every 3 years, and also another project involving alfalfa stems. The alfalfa stem program would be a total of a $232 million project, where the DOE cost share would be 20 percent of that, or approximately $46 million.

Mr. President, it seems to me we should not get into one of these projects unless it can pass muster against the other programs. These would be available to be funded under the program—Mr. President, I just misspoke. I said $55 million would be available for the program. Actually, only a part, $27 million, would be available for biomass electric program.

All of these projects ought to compete for that $27 million. We should not come in and, in effect, specify by limiting it to the Biomass Power for Rural

Development Program, which is a very narrowly defined program. We should have all of these projects compete for the amounts available.

Mr. President, I send the amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] for Mr. WELLSTONE, proposes amendment numbered 5097.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, line 4, strike "expended." and insert in lieu thereof "expended; *Provided*, That funds appropriated for energy supply, research and development activities shall be reduced by four-tenths of one percent from each program and that the amount of the reduction shall be available for the biomass power for rural development program."

AMENDMENT NO. 5096

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays on Senator Bumper's amendment.

The PRESIDING OFFICER. Is there a sufficient second for the yeas and nays on the Bumpers amendment? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. I say to the Senator, I might move to table. Let us get that done. I move to table the Bumpers amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Parliamentary inquiry. Is an amendment in order now?

The PRESIDING OFFICER. An amendment is in order if unanimous consent is granted to set aside the pending amendments.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the pending amendments be set aside so Senator KYL can offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5098

(Purpose: To reduce by $13,402,300 funding of the Lower Colorado River Basin Development Fund)

Mr. KYL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 5098.

Mr. KYL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, line 1, strike "$410,499,000" and insert "397,096,700".

On page 14, line 5, strike "$71,728,000" and insert "$58,325,700".

On page 14, line 14, before the colon insert ": *Provided further*, the amounts allocated by the Committee on Appropriations of each House in accordance with sections 602(a) and 602(b) of the Congressional Budget Act of 1974 and pursuant to the concurrent resolution on the budget for fiscal year 1997 shall be adjusted downward by $13,402,300 and the revised levels of budget authority and outlays shall be submitted to each House by the chairman of the Committee on the Budget of that House and shall be printed in the Congressional Record".

Mr. KYL. Mr. President, this amendment may sound a little strange at first because it actually reduces funding for an Arizona project, but this is important to do.

Mr. President, I rise to offer an amendment to reduce funding for the central Arizona project (CAP) by $13,402,300. The amendment would bring the bill's fiscal year 1997 appropriation for CAP to $58,325,700. That would represent a cut of about 19 percent in this project, and about a 3.2-percent reduction from the total Bureau of Reclamation construction budget.

Mr. President, I want to begin by commending the chairman of the Subcommittee on Energy and Water Development, Senator PETE DOMENICI, for his work on this bill and for his unwavering support of the CAP, a project that provides central and southern Arizona with its lifeblood—water.

The amendment I am offering today is the result of information received since the subcommittee took action on the energy and water bill a few weeks ago. Had the chairman been aware of the information at that time, I believe the funding levels in the bill would have been adjusted accordingly. In any event, it is appropriate that we adjust the figures now to prevent the unnecessary expenditure of hard-earned tax dollars.

The House of Representatives has already approved a similar amendment, which was offered with the unanimous support of Arizona's House delegation, during floor action in that body on July 24. My amendment differs somewhat from the House measure because of a difference of opinion between the Bureau and staff about how certain funds are accounted for. Although my amendment uses the more conservative numbers provided by the Bureau, the savings could rise depending upon how that dispute is resolved. If more could be saved, I would hope the conference committee would adopt that higher amount of savings.

Mr. President, I want to give credit to the Central Arizona Water Conservation District, the local sponsor of the CAP, for helping to identify savings that could be achieved, and I want to specifically list those savings here:

Hayden-Rhodes Aqueduct: Siphon repairs, $1,616,000;

Hayden-Rhodes Aqueduct: Other repairs, $1,509,000;

Modified Roosevelt Dam: Noncontract costs, $214,000;

Other project costs: Water allocations—noncontract costs, $500,000;

OPC O&M during construction, $350,000;

Curation facilities, $400,000;

Native fish protection, $2,775,000;

Native fish protection—noncontract costs, $332,000;

Environmental Enhancement: Major contracts, $1,100,000

Noncontract costs, $801,300;

New Waddell Dam: New recreation enhancement contracts, $1,550,000; and

Noncontract costs, $2,255,000.

Total reduction in fiscal year 1997 CAP budget—$13,402,300.

Included in these reductions, for example, is $1.5 million that was in the Bureau's budget request for Reach 11 dike repairs. But our information is that the Bureau has already completed such repairs and has no need for more money related to those repairs.

Another $1.6 million relates to repair and replacement of siphons, but the Bureau has refused to complete the remaining siphon repairs.

I want to make clear that nothing in my amendment is intended to hamper work on Indian distribution systems. Funding for work related to this activity is contained in a separate line item within the CAP budget that is left untouched by the amendment. I fully intend that these projects go forward as we have promised. Any effort by the Bureau to reprogram moneys set aside for such contracts would require the approval of the Senate and House Appropriations Subcommittees on Energy and Water Development. Such approval is highly unlikely.

If there are any activities that are adversely affected and proponents can justify why they should legitimately be supported through the CAP budget, I know the Arizona delegation would be glad to revisit the issue next year. Until then, however, I believe it is appropriate for the Senate to accept the savings being proposed today.

Mr. President, we have a unique opportunity today to save taxpayers some money without harming ongoing activities that are vital to the CAP. I urge the adoption of my amendment.

Mr. DOMENICI. Mr. President, I want to first reassure the Senator from Arizona that I have not in any way diminished my support for the project he alluded here today, the great Arizona water project. I am totally in favor of it and have been a part of funding it for as long as I have been here, and, as chairman, I remain committed.

I thank the Senator for reducing the costs this year. He has found a way to save some money. I gather the amount is about $13.4 million that he thinks we can save. The Senator proposes to save that and still keep the project on

course. Is that not correct, Senator KYL?

Mr. KYL. That is correct.

Mr. DOMENICI. The Senator, in behalf of the people of his State, is fully aware this project is fully funded in this bill, and he is going to leave it fully funded in the best interests of his State. I give my commitment to keep that going in that manner.

AMENDMENT NO. 5099 TO AMENDMENT NO. 5098

Mr. DOMENICI. Mr. President, having said that, the amendment has a provision in it with reference to what the money can be used for that is saved, and I have a second-degree amendment that I will offer which makes that no longer subject to a point of order, because it directs where the money must be spent. I provide a number of amendments that I have agreed to with other Senators to clean up this bill. These will all be offered as second-degree amendments to the KYL amendment.

I send the amendment to the desk, and I ask for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself and Mr. JOHNSTON, proposes an amendment numbered 5099 to amendment No. 5098.

Mr. DOMENICI. This is offered not only in my behalf, but the distinguished ranking member, Senator JOHNSTON, is a cosponsor of this.

The PRESIDING OFFICER. The Senator has to have unanimous consent for dispensing of the reading.

Mr. DOMENICI. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In amendment No. 5098, strike lines 3 through 9 and inset in lieu thereof:

On page 19, line 3, strike "2,749,043,000," and insert in lieu thereof "2,764,043,000," and on page 20, line 9, strike "220,200,000 and insert in lieu thereof "205,200,000."

Insert where appropriate: "TECHNOLOGY DEVELOPMENT FOR THE DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.—Within available funds, up to $2,000,000 is provided for demonstration of stir-melter technology developed by the Department and previously intended to be used at the Savannah River site. In carrying out this demonstration, the Department is directed to seek alternative use of this technology in order to maximize the investment already made in this technology."

Insert where appropriate: "MAINTENANCE OF SECURITY AT GASEOUS DIFFUSION PLANTS.—Section 161k. of the Atomic Energy Act of 1954 (42 U.S.C. 2201k.) is amended by striking 'subsection;' and inserting the following: 'subsection. With respect to the Paducah Gaseous Diffusion Plant, Kentucky, and the Portsmouth Gaseous Diffusion Plant, Ohio, the guidelines shall require, at a minimum, the presence of an adequate number of security guards carrying sidearms at all times to ensure maintenance of security at the gaseous diffusion plants;'."

Insert where appropriate: "TECHNICAL CORRECTION TO THE USEC PRIVATIZATION ACT.—Section 3110(b) of the USEC Privatization Act (Public Law 104–134, title III, chapter 1, subchapter A) is amended by striking paragraph (3) and inserting the following:

"(3) The Corporation shall pay to the Thrift Savings Fund such employee and agency contributions as are required or authorized by sections 8432 and 8351 of title 5, United States Code, for employees who elect to retain their coverage under CSRS or FERS pursuant to paragraph (1)."

Insert where appropriate: *"Provided*, That funds made available by this Act for departmental administration may be used by the Secretary of Energy to offer employees voluntary separation incentives to meet staffing and budgetary reductions and restructuring needs through September 30, 1997 consistent with plans approved by the Office of Management and Budget. The amount of each incentive shall be equal to the smaller of the employee's severance pay, or $20,000. Voluntary separation recipients who accept employment with the Federal Government, or enter into a personnel services contract with the Federal Government within 5 years after separation shall repay the entire amount to the Department of Energy."

On page 2, between lines 24 and 25, insert the following: "Tahoe Basin Study, Nevada and California, $200,000; Walker River Basin restoration study, Nevada and California, $300,000;"

On page 3, line 20, strike "construction costs for Montgomery Point Lock and Dam, Arkansas, and".

On page 13, line 21, after "expended" insert ": *Provided further*, That within available funds, $150,000 is for completion of the feasibility study of alternatives for meeting the drinking water needs of Cheyenne River Sioux Reservation and surrounding communities".

On page 7, line 19, add the following before the period: ": *Provided further*, That the Secretary of the Army is directed to use $600,000 of funding provided herein to perform maintenance dredging of the Cocheco River navigation project, New Hampshire."

On page 5, after line 2, insert the following: "Mill Creek, Ohio, $500,000;".

On page 5, line 8, strike "$6,000,000" and insert in lieu thereof: "8,000,000".

On page 23, line 22, strike "$5,615,210,000" and insert "$5,605,210,000"; and on page 23, line 8, strike "$3,978,602,000" and insert "$3,988,602,000".

On page 14, on line 12, after "amended" insert "$12,500,000 shall be available for the Mid-Dakota Rural Water System".

On page 6, line 24, strike "$1,700,358,000" and insert "$1,688,358,000".

On page 3, line 15, strike "$1,024,195,000" and insert "$1,049,306,000".

On page 5, line 25, insert the following before the period: ": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to initiate construction on the following projects in the amounts specified:

"Kake Harbor, Alaska, $4,000,000;

"Helena and Vicinity, Arkansas, $150,000;

"San Lorenzo, California, $200,000;

"Panama City Beaches, Florida, $400,000;

"Chicago Shoreline, Illinois, $1,300,000;

"Pond Creek, Jefferson City, Kentucky, $3,000,000;

"Boston Harbor, Massachusetts, $500,000;

"Poplar Island, Maryland, $5,000,000;

"Natchez Bluff, Mississippi, $5,000,000;

"Wood River, Grand Isle, Nebraska, $1,000,000;

"Duck Creek, Cincinnati, Ohio, $466,000;

"Saw Mill River, Pittsburgh, Pennsylvania, $500,000;

"Upper Jordan River, Utah, $1,100,000;

"San Juan Harbor, Puerto Rico, $800,000; and

"Allendale Dam, Rhode Island, $195,000: *Provided further*, That no fully allocated funding policy shall apply to construction of the projects listed above, and the Secretary of the Army is directed to undertake these projects using continuing contracts where sufficient funds to complete the projects are not available from funds provided herein or in prior years."

On page 14, line 1, strike "$410,499,000" and insert "$398,596,700".

On page 15, line 13, insert the following before the period: "*: Provided further*, That $1,500,000 shall be available for construction of McCall Wastewater Treatment, Idaho facility, and $1,000,000 shall be available for Devils Lake Desalination, North Dakota Project".

On page 29, between lines 5 and 6, insert the following:

"SALARIES AND EXPENSES

"For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $342,000."

On page 33, between lines 7 and 8, insert the following:

"SALARIES AND EXPENSES

"For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $322,000."

On page 17, line 19, strike "$48,971,000" and insert "$48,307,000".

On page 7, line 19, insert the following before the period: "*: Provided further*, That $750,000 is for the Buford-Trenton Irrigation District, Section 33, erosion control project in North Dakota".

Mr. DOMENICI. I ask unanimous consent that Senator JOHNSTON be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I understand the distinguished Senator has a schedule problem. I indicate we ought to adopt the amendment, and then I will brief the Senate on what is in the amendment.

The PRESIDING OFFICER. The amendment sent to the desk by the Senator from New Mexico is not a formal second-degree amendment to the amendment of the Senator from Arizona.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent the second-degree amendment be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment.

The amendment (No. 5099) was agreed to.

Mr. JOHNSTON. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JEFFORDS. Mr. President, I want to thank the managers of this legislation for working with me to protect our country's renewable energy programs. The amendment I offered, along with Senators ROTH, LEAHY, MURKOWSKI, CHAFEE, BUMPERS, DASCHLE, KOHL, and CONRAD, will essentially maintain fiscal year 1996 spending levels for most solar, wind, biomass, and other renewable energy programs. The amendment restores $23 million to these accounts, preserving our nation's main efforts to attain energy independence.

Mr. President, the United States imports in excess of 50 percent of the oil we use to power our homes, automobiles, and workplaces. Our dependence on this foreign oil continues to be a risk to our national security and is running up our trade deficit. Despite this fact, we continue to reduce funding for the few programs which lead us down the path of energy independence. In the legislation we are debating today, funding for solar, wind, biomass, and renewable energy programs is cut by almost 30 percent and a number of important programs are eliminated completely.

I am very aware of the constraints the managers of this legislation have had with this bill and I commend them for their efforts. However, I feel strongly that this Nation and this congress should continue to support investment in renewable technologies. The cost of wind, photovoltaics, solar thermal, and biomass have dropped more than ten fold over the last 15 years. Wind energy, which has been cut 50 percent from last year's levels in this bill, has developed into the major alternative energy contributor. Over 5,000 megawatts of wind energy electricity has been installed to date—or energy equal to five nuclear power plants.

Due to cost-shared research and development on materials, turbine blade design, and manufacturing, the U.S. wind industry leads the world in the lowest-cost and most efficient wind generators. The combined research and development budget of the European Community equals $130 million. This legislation provides the entire research and development funding for our renewable efforts, which is only while this bill provides only $15 million. Clearly this is inequitable and does not provide a sufficient threshold to continue the basic research and cost-shared applied research necessary to maintain the lead in both the domestic and global markets. The amendment I am offering will provide $31.5 million for wind programs, $1 million lower than fiscal year 1996 levels.

Our Nation should be proud of its lead in developing advanced wind energy systems. My State of Vermont certainly takes pride in its growing wind industry. One of our utilities, Green Mountain Power, has been a national wind energy leader, and is currently constructing a 6 megawatt project that will utilize eleven 550 kilowatt turbines manufactured by Zond Systems of California. The Zond turbine has been participating in cost-shared development with the U.S. Department of Energy and the National Wind Technology Center at NREL. Green Mountain Power's Vice President, Norm Terreri, is now serving as president of the American Wind Energy Association.

Vermont is also home to NRG Systems, of Hinesburg, VT, one of the world's leading high technology manufacturers of wind measuring devices and a company that has made export sales in over 50 countries. Atlantic Orient, of Norwich, VT, has manufactured a 50-kilowatt wind turbine in cooperation with the Department of Energy that has become one of the most popular turbines for wind-diesel hybrid locations for remote locations such as Alaska and the Canadian Arctic. The New World Power Technology Company of Waitsfield, VT, is a leading manufacturer of wind-PV village power systems.

Wind companies around the country, like those in Vermont, look to the Federal Government for support in this new, booming market. We cannot let these companies fall behind their European or Asian competitors as this market expands.

Solar thermal electricity has been on a major growth spurt, with the United States leading the world. In June, the Solar Two project was ribbon-cut in California. At this site, the heat from solar mirror concentrating sunlight atop a tower is stored in nitrate salt which can then create steam-to-electricity day or night, rain or shine. A solar dish/engine manufacturing facility was ribbon-cut in Texas. Both projects came from cost-shared research and development at the Department of Energy. In this bill we are including funding for solar industrial research and development to bring this same technology to industrial process heat, new material creation from photon concentration, and some interagency cost share research on solar detoxification.

Over 70 percent of photovoltaics are exported overseas and over 50 percent of wind, solar thermal, geothermal, and biomass equipment and services are exported primarily to third world countries. To this end, the amendment has included $1.5 million directed explicitly to continue the work of the Federal interagency activity called the Committee on Renewable Energy Commerce and Trade [CORECT] signed into law by President Reagan to ensure that the U.S. Government coordinates its export capabilities. The European Community and Japan provide subsidized export financing to their respective industries and other incentives which equal hundreds of millions of dollars of support. The funding for this program is to make U.S. Federal agencies maximize their efficiency by utilizing existing programs to promote the exportation of renewable energy equipment and services. Nearly 2 billion people on the globe do not have access to electricity and this program has made great strides in rectifying that situation. To that end, three new automated manufacturing facilities in the United States have been recently ribbon-cut to manufacture photovoltaics for this growing overseas market.

This bill also provides support to an effective program at the $1 million level for the Renewal Energy Production Incentive [REPI]. REPI provides support to municipal electric utilities and rural electric cooperatives to utilize solar and renewable energy. This program was established under the Energy Policy Act of 1992 because at that time only private utility subsidiaries could access the solar and geothermal tax credits. REPI allows the rest of the industry an equivalent program to utilize tax credits. The response from the municipal utilities and cooperatives has been enthusiastic and this program has over 18 renewable energy projects underway.

Another voluntary program is also funded at $1 million level for all utilities to integrate renewable energy in an effort to offset emissions that have wrought global climate change. The Utility Climate Challenge Program has been supported by all of the electric utilities as a stellar example of the way Government should work—encouraging innovation rather than command-and-control measures.

The final program funded is the Resource Assessment Program at $1 million. This is a program carried our primarily by the National Renewable Energy Laboratory [NREL] which analyzes satellite and other data for those that want to know the extent of renewable energy in their area, whether that be solar, wind, biomass, or geothermal. This program can only be carried out by national laboratories and would put our industries at a competitive disadvantage if not explicitly funded.

Mr. President, this amendment is an extremely modest investment to preserve U.S. energy options, create U.S. jobs, and protect our environment. I commend the managers of this bill for recognizing the importance of these programs and for supporting this amendment.

Mr. LEAHY. Mr. President, I strongly support the efforts of Senator JEFFORDS and Senator ROTH to maintain

level funding for renewable energy programs. I am proud to cosponsor this amendment and join their efforts.

Mr. President, this amendment restores our investment in the future of sustainable energy. Unfortunately, this Congress has cut funding for renewable energy by 38 percent over the last two years. These cuts are shortsighted. To ensure that future generations can enjoy clean energy, we must maintain our commitment to support funding for research and development of solar, wind, and biomass energy.

In particular, I firmly believe that Congress has a responsibility to reaffirm its commitment to wind energy funding. Wind energy is now a $4 billion industry in the United States. Department of Energy funding has been key to this success by developing wind energy projects for commercialization.

In my home State of Vermont, for example, Department of Energy funding for wind energy has helped develop a growing environmentally-friendly industry. With DOE support, Vermont companies have developed state-of-the-art wind turbines and other high technology products at wind energy projects in the Green Mountains of Vermont, in rural villages in Alaska and even on the top of the South Pole. And these DOE-supported projects have become proving grounds for Vermont companies to tap into a growing wind energy export market around the world.

But the wind energy industry in Vermont and across the country is at a critical stage in its development. European and Asian wind industries—which are heavily subsidized by their governments—are emerging as competitive rivals. As a result, we must continue strong DOE funding to maintain America's leadership role in the global wind energy market.

Mr. President, this amendment makes sense for our future and our children's future. Our children and grandchildren should be able to enjoy sustainable, clean and renewable energy. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The question is now on agreeing to the amendment.

The amendment (No. 5098) was agreed to.

Mr. JOHNSTON. I move to reconsider the vote.

Mr. DOMENICI. I move to table the motion.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I will go through and make sure the Senators know which of their requests are in this amendment, but I will go through the comprehensive amendment that takes care of many amendments that were pending, not all of which cost money, and some of these have offsets from other provisions in the bill.

An increase in solar and renewable energy by $2,372,000 in behalf of Senator JEFFORDS and others; stir-melter technology, Senator LOTT and others, $2 million; allow guards at enrichment plants to carry sidearms, MCCONNELL and others; technical corrections to the USEC Privatization Act regarding the Thrift Savings Plan, MCCONNELL and others; provide DOE authority to offer voluntary separation incentives, requested by the Secretary; Tahoe Basin study, Senator REID; Walker River Basin study, Senator REID; study of the water needs of the Cheyenne River Sioux, DASCHLE; language that would require 50 percent of the Montgomery Point lock and dam project be derived from the Inland Waterway trust fund, Senator BUMPERS; maintenance of dredging at Cocheco River project, Senator SMITH; Mill Creek project in Ohio, half a million dollars; Virginia Beach erosion control for the State of Virginia; tritium production, additional $10 million requested by the Senator from South Carolina; rural water system development mid-Dakota, for Senators PRESSLER and DASCHLE.

Mr. JOHNSTON. Will the Senator yield?

Mr. DOMENICI. Helena and vicinity, Arkansas.

I am happy to yield.

AMENDMENT NO. 5099, AS MODIFIED

Mr. JOHNSTON. I am advised there was a pending objection by Senator GLENN to part of the first amendment relating to the U.S. Enrichment Corporation.

Therefore, I move to vitiate the action just taken with respect to the following language. In other words, the following language of that first amendment should be deleted.

Insert where appropriate: Technical correction to the USEC Privatization Act—Section 3110(b) of the USEC Privatization Act (Public Law 104–134, title III, chapter 1, subchapter A) is amended by striking paragraph (3) and inserting the following:

(3) The Corporation shall pay the Thrift Savings Fund such employee and agency contributions as are required or authorized by sections 8432 and 8351 of title 5, United States Code, for employees who elect to retain their coverage under CSRS or FERS pursuant to paragraph (1).

I send a modification of amendment No. 5099 to the desk deleting the language I just read.

The PRESIDING OFFICER. The Senator has that right, and the amendment is so modified.

The amendment (No. 5099), as modified, is as follows:

In amendment No. 5098, strike lines 3 through 9 and insert in lieu thereof:

On page 19, line 3, strike "2,749,043,000," and insert in lieu thereof "2,764,043,000," and on page 20, line 9, strike "220,200,000" and insert in lieu thereof "205,200,000.".

Insert where appropriate: "TECHNOLOGY DEVELOPMENT FOR THE DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.—Within available funds, up to $2,000,000 is provided for demonstration of stir-melter technology developed by the Department and previously intended to be used at the Savannah River site. In carrying out this demonstration, the Department is directed to seek alternative use of this technology in order to maximize the investment already made in this technology.".

Insert where appropriate: "MAINTENANCE OF SECURITY AT GASEOUS DIFFUSION PLANTS.—Section 161k. of the Atomic Energy Act of 1954 (42 U.S.C. 2201k.) is amended by striking 'subsection;' and inserting the following: 'subsection. With respect to the Paducah Gaseous Diffusion Plant, Kentucky, and the Portsmouth Gaseous Diffusion Plant, Ohio, the guidelines shall require, at a minimum, the presence of an adequate number of security guards carrying sidearms at all times to ensure maintenance of security at the gaseous diffusion plants;'."

Insert where appropriate: "*Provided*, That funds made available by this Act for the departmental administration may be used by the Secretary of Energy to offer employees voluntary separation incentives to meet staffing and budgetary reductions and restructuring needs through September 30, 1997 consistent with plans approved by the Office of Management and Budget. The amount of each incentive shall be equal to the smaller of the employee's severance pay, or $20,000. Voluntary separation recipients who accept employment with the Federal Government, or enter into a personal services contract with the Federal Government within 5 years after separation shall repay the entire amount to the Department of Energy.".

On page 2, between lines 24 and 25, insert the following: "Tahoe Basin Study, Nevada and California, $200,000; Walker River Basin restoration study, Nevada and California, $300,000;"

On page 3, line 20, strike "construction costs for Montgomery Point Lock and Dam, Arkansas, and"

On page 13, line 21, after "expended" insert ": *Provided further*, That within available funds, $150,000 is for completion of the feasibility study of alternatives for meeting the drinking water needs of Cheyenne River Sioux Reservation and surrounding communities".

On page 7, line 19, add the following before the period: "*Provided further*, That the Secretary of the Army is directed to use $600,000 of funding provided herein to perform maintenance dredging of the Cocheco River navigation project, New Hampshire.".

On page 5, after line 2, insert the following: "Mill Creek, Ohio, $500,000;".

On page 5, line 8, strike "$6,000,000" and insert in lieu thereof "$8,000,000".

On page 23, line 22, strike "$5,615,210,000" and insert "$5,605,210,000"; and on page 23, line 8, strike "$3,978,602,000" and insert "$3,988,602,000".

On page 14, on line 12, after "amended" insert "$12,500,000 shall be available for the Mid-Dakota Rural Water System".

On page 6, line 24, strike "$1,700,358,000" and insert "$1,688,358,000".

On page 3, line 15, strike "$1,024,195,000" and insert "$1,049,306,000".

On page 5, line 25, insert the following before the period: ": *Provided further*, That the Secretary of the Army acting through the Chief of Engineers, is authorized and directed to initiate construction on the following projects in the amounts specified:

"Kake Harbor, Alaska, $4,000,000;

"Helena and Vicinity, Arkansas, $150,000;

"San Lorenzo, California, $200,000;

"Panama City Beaches, Florida, $400,000;

"Chicago Shoreline, Illinois, $1,300,000;

"Pond Creek, Jefferson City, Kentucky, $3,000,000;
"Boston Harbor, Massachusetts, $500,000;
"Poplar Island, Maryland, $5,000,000;
"Natchez Bluff, Mississippi, $5,000,000;
"Wood River, Grand Isle, Nebraska, $1,000,000;
"Duck Creek, Cincinnati, Ohio, $466,000;
"Saw Mill River, Pittsburgh, Pennsylvania, $500,000;
"Upper Jordan River, Utah, $1,100,000;
"San Juan Harbor, Puerto Rico, $800,000; and
"Allendale Dam, Rhode Island, $195,000: *Provided further*, That no fully allocated funding policy shall apply to construction of the projects listed above, and the Secretary of the Army is directed to undertake these projects using continuing contracts where sufficient funds to complete the projects are not available from funds provided herein or in prior years."

On page 14, line 1, strike "$410,499,000" and insert "$398,596,700".

On page 15, line 13, insert the following before the period: "*: Provided further*, That $1,500,000 shall be available for construction of McCall Wastewater Treatment, Idaho facility, and $1,000,000 shall be available for Devils Lake desalination, North Dakota project".

On page 29, between lines 5 and 6, insert the following:

"SALARIES AND EXPENSES

"For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission as authorized by law (75 Stat. 716), $342,000."

On page 33, between lines 7 and 8, insert the following:

"SALARIES AND EXPENSES

"For expenses necessary to carry out the functions of the United States member of the Susquehana River Basin Commission, as authorized by law (84 Stat. 1541), $322,000."

On page 17, line 19, strike "$48,971,000" and insert "$48,307,000".

On page 7, line 19, insert the following before the period: "*Provided further*, That $750,000 is for the Buford-Trenton Irrigation District, Section 33, erosion control project in North Dakota".

Mr. DOMENICI. Mr. President, I don't know the extent of the disagreement on that amendment. But I won't object. We will try to work it out. It seems there is a difference of opinion. We will get the staff and Senators together quick and see what we can do.

I will continue to read the list:

San Lorenzo, CA, $200,000; Panama City FL, $400,000; Shoreline in Chicago, $1.3 million; $3 million for Pond Creek in Jefferson City, KY; Boston Harbour, $500,000; Poplar Island, MD, a program both Senators support and the administration supports, $5 million; Natchez Bluff, MS, $5 million; $1 million for Wood River, NE; and, hence, others not listed here that are clearly stated.

Mr. President, that means we have adopted the underlying amendment and the amendment that Senator JOHNSTON and I offered. We are now ready for additional amendments.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, may I also ask what the pending business is before the Senate?

The PRESIDING OFFICER. The pending business is the Johnston, for Wellstone, amendment.

Mr. GRAMS. Mr. President, I ask unanimous consent that the current business be set aside so that I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5100

(Purpose: To limit funding for Appalachian Regional Commission at House-passed level and require the Commission to be phased out in 5 years)

Mr. GRAMS. I send an amendment to the desk

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. GRAMS] proposes an amendment numbered 5100.

Mr. GRAMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, line 16, strike "$165,000,000" and insert "$155,331,000".

On page 28, line 17, at the end of the sentence, add the following: "The Commission shall provide the House and Senate Appropriations Committee a specific plan for downsizing."

Mr. GRAMS. Mr. President, this is a very moderate and a very straightforward amendment. It would simply adopt the funding for the Appalachian Regional Commission at the House-passed level of $10 million less than the Senate level and require that the commission provide a specific plan for future downsizing and elimination.

Mr. President, this is not a new issue. We have debated it many times before, and I offered a very similar amendment last year. The reason I bring it up again is simple. I want to remind the American people that pork-barrel spending is alive and well in Washington, and Congress has demonstrated little courage to phase out or eliminate these costly types of programs.

For a number of years, the Congressional Budget Office has recommended the elimination of the ARC as one of the many options for deficit reduction. Last year, both the Senate and the House passed a budget resolution calling for the elimination of ARC. This year, the House budget resolution has again assumed further savings from a phased-in downsizing of ARC. While the House-passed appropriations bill provides $155 million for the Appalachian Regional Commission and requires continued downsizing, the Senate bill grants $165 million—that is $10 million more than approved by the House—and it does not address the question of downsizing.

There are no persuasive justifications for the Senate funding level. The program should be terminated. Yet there appears to be no congressional will to end any program once it has been authorized. That is why I have sought to sunset Federal programs since I came to Congress.

Mr. President, the Appalachian Regional Commission was created in 1965 as a temporary response to poverty in Appalachia. Let me say that again. In 1965, it was created as a temporary response to poverty in Appalachia. Today, over 30 years later, despite the infusion of more than 7 billion taxpayer dollars into the region, we are still pouring money into the area under the pretext of fighting poverty. If the Appalachia region is still impoverished, we should ask ourselves why we have spent so much money for so many years, and why poverty in this region requires still more Federal dollars than other poverty-stricken areas of our country.

We should also question the real contribution the ARC has made to any long-term economic development of the Appalachia.

A study conducted by scholar Michael Bradshaw in 1992 might help to provide us with some kind of an answer. After analyzing 25 years of Government policy in the region, Mr. Bradshaw concludes:

The great paradox of Appalachian development since 1960 is that although relatively greater sums of money have been invested in central Appalachia, this part of the region has shown the lowest ability to increase its economic and social indicators relative to the rest of the United States.

The region as a whole has made strides over the past 25 years toward improving conditions for attracting new sources of employment, but Mr. Bradshaw goes on to say that "these changes have had more to do with external economic factors than with the influence of the ARC."

Now, in the 1980's, there was strong growth in the area which mirrored the economic growth of the country at large. During this time, ARC funding was reduced by 40 percent. Did the region suffer? On the contrary. Taxes were cut and unemployment rates fell by 38 percent.

That is how President Kennedy created jobs back in the 1960's, that is how President Reagan created jobs in the 1980's, and that is how we need to create jobs as we approach the year 2000.

Mr. President, what does not make any sense about this program is that it is one of 62 Federal economic development programs that are under the jurisdiction of 18 different departments and agencies. Yet the ARC is the only

major Government agency targeted toward a specific region of the country. Many of the projects funded by the ARC duplicate activities are already funded by other Federal agencies.

For instance, the $104 million Appalachian highway development project provided by the Senate Energy and Water Appropriations bill also falls under the jurisdiction of the Transportation Department's Federal highway program. Other projects of the ARC are funded by agencies such as the Department of Housing and Urban Development.

As one Member of Congress rightly pointed out, "What the Appalachian Regional Commission does is essentially allow 13 States in this country to double dip into infrastructure money, money to do economic development and money also to do highway and water construction and projects like that."

While the ARC claims to allocate funds for the poor rural communities of Appalachia, these areas are no worse off than rural communities in Minnesota, in Arizona, or the 35 other States that do not benefit from ARC funding. In fact, in my home State of Minnesota, 12.8 percent of my constituents live below the poverty level, and that is a disturbing statistic. It is higher than many States which benefit from the ARC funding, such as Virginia, which is at 9.4 percent; Maryland, at 11.6; Pennsylvania, at 11.7; and Ohio, at 12.6 percent.

So these States benefit from ARC funding because of poverty levels, yet my home State of Minnesota, which does not, of course, enjoy ARC funding, is at 12.8 percent. But do Minnesotans have a Federal program designed just for them? Of course not, and I am not advocating that we should.

To pay for something like the ARC on a nationwide basis would require billions of dollars, funded either by cutting more from other programs, borrowing money from our children, increasing the deficit, or by raising taxes. The first option is unlikely. The remaining three are completely unacceptable. Already, for every dollar the taxpayers of my State send to the Federal Treasury, they receive only 82 cents of Government services. For every dollar they send to the Federal Treasury, Minnesotans receive only 82 cents worth of the Government's services, but the States which benefit from ARC funding receive on average $1.21 for every tax dollar they contribute.

So for every dollar they send in, they get $1.21 back from Washington, while in my State of Minnesota, for every dollar we send in, we get 82 cents back.

Minnesota has been a good neighbor and has contributed more than its fair share, but when Minnesotans see $750,000 of ARC funds spent on a summer practice stadium for the National Football League's Carolina Panthers, this is a huge slap in the face.

My point, Mr. President, is not that Minnesota and other States with high poverty levels in this country should get more Federal assistance but that there is a compelling reason to reduce the funding for ARC and compelling reasons to continue downsizing a program that has outlived its original mandate. It is ineffective, it is expensive, and it simply does not work.

American taxpayers can no longer afford such extravagant spending. It is time to let this important region of our country benefit from the same myriad of programs that serve other poverty areas. These programs can be improved and streamlined to help stimulate economic development and thereby provide needed Federal assistance to all of the country. Our first priority, however, is to balance our budget, provide tax credits for working Americans, and to create an environment that will stimulate job growth and help to boost all salaries.

So, Mr. President, although I strongly believe that the ARC should be terminated, my amendment does not zero out funding for the ARC, nor does it reduce it significantly, but it simply reduces the level of funding to that already approved by the House, and that is to take the $165 million in the Senate bill and to match it with the $155 million currently in the House bill.

I urge my colleagues to support this moderate amendment. Congress should show the American people at least a little courage by slowing down this Federal spending "Energizer Bunny," or we could say the "Energizer Piggy," which keeps going on and going on and going on.

I also ask unanimous consent to add Senator MCCAIN as an original cosponsor of this amendment.

The PRESIDING OFFICER (Mr. DOMENICI). Without objection, it is so ordered.

Mr. GRAMS. If there is no further debate, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. GRAMS. I thank the Chair.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I rise in support of the pending appropriations bill, and I thank the manager of the bill, the able Senator from New Mexico, who is currently the Presiding Officer of the Senate, Senator DOMENICI, for his tremendous leadership on these issues dealing with energy and water, and the senior Senator from Louisiana, BENNETT JOHNSTON, noting that this will be the culmination of his service in the Senate. He will be greatly missed because of the expertise and experience and enthusiasm that he brings to today's issues of energy and natural resources. A wealth of knowledge goes with him and with him our best wishes as well.

The fiscal year 1997 energy and water appropriations bill provides funding for some of the highest priority Federal responsibilities. For example, the bill provides a total of $5.6 billion, an increase of $205 million above the budget request for the Department of Energy's defense environmental management program. The DOE defense environmental management program includes the safe handling and the treatment of some of the most toxic materials on this planet Earth such as spent nuclear fuel, high-level liquid waste and surplus weapons grade plutonium—certainly the appropriate use of funds and in fact the addition of these funds.

The budget increase recommended by the Senate Appropriations Committee is consistent with the increase authorized by the defense authorization bill passed by the Senate just a few weeks ago. The pending appropriations bill provides increases for important programs in Idaho including an increase in funding for the Department of Energy's national spent nuclear fuel program.

In testimony earlier this year, Secretary O'Leary acknowledged that the Idaho National Engineering Laboratory had been designated as the DOE lead lab for the spent nuclear fuel program but additional funds to meet these new responsibilities had not been provided.

The bill now before the Senate addresses this shortfall. The pending bill also provides $200 million to move forward with the effort to open a permanent repository for spent nuclear fuel at Yucca Mountain. In light of the ongoing Senate debate regarding the Craig bill, this funding, which represents a 32 percent increase over the fiscal year 1996 level, is certainly appropriate and needed.

The bill also provides almost $4 billion, an increase of $269 million, for the Department of Energy's nuclear weapons program. These funds are essential to ensure that our nuclear stockpile remains safe and reliable.

The pending bill also funds important energy functions of the Department of Energy. The bill provides $20 million for the electrometallurgical demonstration program at Argonne National Lab. This important program to treat DOE spent nuclear fuel for final disposition is reduced by $5 million from the budget request. I will address this reduction with the chairman and the ranking member at the appropriate time.

I want to offer my praise for the funding levels provided in this bill and to the leadership, again, of the two managers of this bill. The funding increase for the defense environmental management program will expedite cleanup and remediation at sites like

INEL, Savannah River, and Hanford, and save American taxpayers money in the long run. These funds will show the American people that this Senate will deal with the environmental challenges left over from our victory in the cold war.

I urge adoption of the pending bill and thank the managers again for this time.

Mr. President, I yield the floor.

THE PACIFIC OCEAN DIVISION OFFICE, U.S. ARMY CORPS OF ENGINEERS

Mr. INOUYE. Mr. President, I rise today to thank the managers of this bill for including my language in committee to prohibit the Army Corps of Engineers from obligating funds to close the Pacific Ocean Division [POD] office.

The Pacific Ocean Division has the largest civil works jurisdictional area, covering almost a one-third of the globe. Maintaining the POD office is very important to the United States' ability to deliver critical military and civil works assistance to our allies in the Asia-Pacific region.

The POD has been characterized as a model of efficiency and effectiveness, particularly in military construction. In this age of restructuring to improve efficiency, the Army Corps of Engineers proposal seems to undermine these goals.

I have requested that the Army Corps of Engineers provide me with a detailed cost/benefit analysis justifying closing the POD. I have not been provided with this analysis. Until an analysis is provided that demonstrates that the POD is not a model of efficiency and effectiveness, I will fight to see that the POD remains open.

I request that the chairman and ranking member make every effort to ensure that the Senate position is maintained in conference with the House.

Mrs. MURRAY. Mr. President, I rise in strong support of this bipartisan bill. It contains funding for many programs and projects important to our Nation and my region. I thank Chairman DOMENICI and Senator JOHNSTON—and their very capable staffs—for the superb jobs they have done.

Cleanup and restoration of the Hanford site is one of my top priorities. In this bill, the Department of Energy's Environmental Management program is well funded. While I disagree with the allocation of resources between defense and nondefense programs in the majority's budget, I appreciate that some of that extra defense money goes to worthwhile programs, like environmental management.

One aspect of the EM program that continues to trouble me is the approach the Department has taken to privatization at Hanford. I appreciate the subcommittee's effort to minimize the impact of privatization by suggesting that only $150 million, rather than $185 million, be taken from the tank farm operating budget in order to make a down payment on the tank waste remediation program. Senators GORTON, DOMENICI, JOHNSTON, and I have sent a letter to the Department asking a number of questions about this approach to privatization. While I am a supporter of privatization, I believe sweeping changes must be well thought out and should not harm ongoing efforts to stabilize the tank farms.

Mr. President, this administration has done a terrific job of moving Hanford cleanup forward. For years, Hanford has been largely a money hole into which enormous Federal dollars were thrown, but little was accomplished. I want to recognize the accomplishments of Secretary O'Leary's Department of Energy and the people at Hanford who have done such an outstanding job of reducing costs and increasing results.

Let me share some of the latest results at Hanford.

There are several specific cleanup programs that have made significant progress recently. One of those is at the Plutonium Uranium Extraction [PUREX] Plant where the criticality system was shut off forever last month. The alarm is not necessary because there is no longer a chance of a nuclear accident at the 40-year-old plant. This shows tremendous progress and is evidence of the dedication of Hanford employees—who reached this goal 16 months ahead of schedule and $47 million under budget.

The K-basin's spent fuel project is also on track. The canister storage building is 15 percent complete and the managers estimate they can begin large-scale spent fuel removal by December 1997. At that time, fuel will be removed from both K-basins to be cleaned, loaded into baskets, placed in multi-canister overpacks, dried in a cold vacuum, and placed in the canister storage building. Already, several hundred spent fuel canisters have been removed and cleaned; and the system is working as planned. Another point of interest is that project acceleration decisions made and implemented in 1995 have saved $350 million and will allow the project to be completed 4 years early. This is great progress.

The Pacific Northwest National Laboratory is in the final stages of construction of the new Environmental Molecular Sciences Laboratory [EMSL]. The lab is a critical component of our efforts to develop the scientific understanding needed to create innovative and cost-effective technologies for environmental remediation. EMSL scientists will research soil and water quality, waste characterization, processing, and health effects. This state-of-the-art facility will complement the Hanford cleanup mission and make a positive contribution to many of our most troubling environmental and pollution problems.

Mr. President, I appreciate the commitment of this body and the administration to the cleanup of former defense production sites, like Hanford. I pledge to work with my colleagues to see that progress continues and that the Federal Government fulfills its responsibility to the people of this Nation who fought and won the cold war.

I would also like to voice my strong support for an amendment offered by Senator JEFFORDS regarding funding for renewable energy. In the last 2 years, funding for wind, solar, and other renewable energy research and development programs has been cut by almost 40 percent. Last year, the Senate restored some of the funding for these important programs, but eventually the renewables program lost ground in conference with the House. I want to lend my voice to many of my colleagues who support renewable energy and see such programs as a critical component of the Federal Government's commitment to future generations and a healthy environment.

Again, I thank Senators DOMENICI and JOHNSTON for their work on this important bill and urge my colleagues to support final passage.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, with the consent of the manager, if no one is here to offer amendments or speak on the bill, I ask unanimous consent to proceed for 10 minutes as in morning business, with the understanding that if someone comes to present an amendment, I will be happy to relinquish the floor.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 10 minutes.

Mr. DORGAN. I appreciate the courtesy of the managers. Again, business on the bill itself takes precedence. I will not continue if someone comes to do business on this bill.

ELECTIONEERING VERSUS DAY-TO-DAY ISSUES

Mr. DORGAN. Mr. President, I came to the floor today, however, because as has been the case on most days, we have had five Republicans come to the floor today to talk about President Clinton and the White House. I understand that and understand it is an even-numbered year, and the Constitution of the United States provides in

even-numbered years that we have elections. On even numbered years when we have elections, clearly there is interest for one side or the other to try to gnaw away and chew away the foundation of the base of the others.

I watch from time to time, as organized groups come to the floor and we try to respond to them sometimes, those of us on our side of the aisle, to try to set the record straight as best we can. It is pretty hard to keep up with them, because they come in significant waves.

I want to use the time for a couple of minutes to talk about the difference between what we confront in the electioneering, or the political efforts these days, and what the American people expect us to confront in terms of the issues they face day-to-day.

If one were to view the activities from time to time, especially when we get 1 hour or 2 hours set aside for a couple of my friends from the other side of the aisle who then recruit several others, as was the case today, and have five, six or seven people come and repeat a message to try to get that message out to the country, it is kind of like watching beavers build a dam: They slap their tails, they are out there gnawing, chewing and biting and knocking down trees.

In this case, however, it is interesting. These are, it seems to me, political beavers building a dam where there is no water, which I find interesting. Slapping the water and chewing on dead wood seems hardly productive to me, but it is a way to pass the day for some, I suppose.

Most people sitting at home these days look at this political system of ours and say, "Why can't you all work together?" We have an Olympics going on, and in the Olympics, what is interesting is they all wear jerseys, and the jerseys identify one team versus another team.

I particularly have enjoyed watching various sports in the Olympics and, I must confess, I root for all the athletes. I think it is a wonderful thing to see these young men and women, in some cases older men and women, compete, but I, like most others, especially want those people who wear the red, white and blue jerseys to do very well, because they compete with a little logo that says "USA." They are all on the same team.

The American people elect different kinds of men and women to the U.S. House and Senate. My guess is they expect us to all be on the same team. We might all have different techniques, different strengths, and different approaches, but they really do, in the long term, at the end of the day expect us to be working for the same ends.

We can, I suppose, spend most of our energy being critical and chewing away and gnawing away and flailing away, but it hardly seems very productive.

We have been working on a number of things in this Congress which I think are interesting. The Federal deficit: Some say unless you put something in the Constitution, you have not addressed the Federal deficit issue. Yet, the Federal deficit has been coming down, way down, and that is good news.

We have some people who rush to the floor to explain why one person or someone else should not gain credit for that. But nonetheless, the Federal budget deficit has come down very, very substantially.

We have been working on health care issues, the need for the American people to have Congress address the issue of being able to take your health care from one job to another and not lose coverage because you change jobs or find you can't get health care because your child or your spouse or someone in your family has a preexisting condition. Those are very important issues, and I think we finally made progress. It has taken a long, long while, but I think we are going to have a health care bill that finally gets done and gets signed by the President.

That would be a significant accomplishment. I hope we don't have much foot dragging in the coming weeks with respect to that issue, because that is something the American people want and need.

We have been working on the issue of the minimum wage. Some say there shouldn't even be a minimum wage. If you believe that, why don't you bring a bill to the floor to repeal the minimum wage?

There are some around here who say we do not want a minimum wage, let the market system set the wage; let 12-year-olds work for 12 cents an hour. I heard some people suggest that, by the way, not here on the floor of the Senate. But there are some people in this political debate who believe there should be no minimum wage at all. If you believe that, bring a bill to the floor. Why don't you represent a position that hearkens back to half a century ago and say, in your judgment, there ought not be a minimum wage?

Some of us think that there ought to be a minimum wage. We have had one now for some 60 years. The question is, when should it be adjusted?

The last time the people at the bottom rung of the economic ladder got a raise was 7 years ago, in 1989, when the Congress last enacted legislation adjusting the minimum wage.

There are some who say, "Well, if you adjust the minimum wage, it is going to cost a lot of lost jobs." The interesting thing about that is, I have not heard anyone suggest when the CEO's of major U.S. corporations get a 23-percent increase in their salaries in 1 year—a 23-percent increase in 1 year—I have never heard someone say, "Gee, that's going to cost lost jobs." But take someone at the bottom of the economic ladder working at minimum wage and suggest after 7 years they get a very small increase—not 23 percent in 1 year, but a freeze for 7 years and then a small increase—and all of a sudden the sky is falling.

We have worked on that, and I am pleased to say, finally, that those who were holding that bill hostage have seen the light. We are moving that. I hope maybe by the end of this week we can have a bill passed that addresses that issue.

Let me mention one other thing that is in that piece of legislation. We attached to that piece of legislation something helpful to small business, and I am for that. There are a series of tax changes helpful to small business, but there is a provision—and I bet there are not five Members of the Senate who know it is there—a provision that comes from the House, and here it is:

It is a provision called 956(A) dealing with the Tax Code. That provision says, "Let's make it easier for companies to invest in jobs overseas." The Congress already passed that once, by the way, and the President vetoed that in a larger bill. But let's make it easier for American companies to create jobs overseas as opposed to jobs here.

I am interested to know whether the Senate conferees will accept that provision of the House, which is a terrible provision. I have no idea how anyone thinking clearly could believe that repealing this provision, 956(A), which we did 3 years ago to try to tighten up on the loophole that exists to encourage people to move their jobs overseas, I have no idea how people believe it is in this country's interest to make it more attractive for companies to move their jobs overseas.

That is something we are going to have to watch, because if it comes back to the Senate, some of us are going to be very upset and very aggressive.

Let me, Mr. President, say those are the issues that make sense. I mean, those are the issues we ought to be dealing with—health care, minimum wage, economic growth, the deficit.

There will be economic growth figures out at the end of this week, both unemployment and GDP figures. The interesting thing about our country today is if it shows that the country is growing well and has a robust economic growth figure for the last quarter, if it shows that more people are working, we have fewer unemployed, what is going to happen? Well, if what has happened in the last year will happen again, Wall Street will have an apoplectic seizure and look for windows to jump out of. They will want to find a doorway to the roof, I suppose.

The slightest bit of good economic news creates, on Wall Street, some kind of enormous sense of sadness and sorrow and concern, and all of a sudden, we see stock prices drop, bond

prices drop. I do not have any idea why they seem to be out of step with the interests of the rest of the country. I guess they think if we have any kind of good economic news at all, they are worried that over the horizon we will have more inflation. They are wrong about that.

The fact is, wages in this country are going down, not coming up, have been going down consistently for about 20 years. So we do not have the threat of more inflation. What we have is a threat of our economy not producing enough, not growing enough in order to produce the kind of robust opportunity that we want for the American people. But those are the central issues. Those are the issues we ought to be dealing with.

You know, the reason I came over today, after five people have talked about the subject of President Clinton again, is, we have, it seems to me, created in American politics an infection of sorts, an infection that suggests that we always have to be sawing away, always have to be chipping away and sawing away and gnawing away and biting away, or somehow we are not doing the public's work. That is not the public's work at all. That is the newly defined vision of American politics that I think is fundamentally wrong.

There was, a couple of years ago, something put out by this new wave of politicians who took control in the last year or so, last couple of years. There was a primer put out by an organization called GOPAC, and they put out tapes. They had instructional sessions for candidates. They put out a primer: "Here is how you talk. Here is what you say. Here is how you appeal to people." In it, they did something that I basically consider reprehensible. They said, "When you talk about yourself, you use contrasting words for yourself. Always try to use the words like 'hard work, toughness, flag, family, country.'" They said, "When you talk about your opponent, whenever you are talking about your opponent, you need to use the terms 'sick, permissive, pathetic, traitor.'"

This is an organization, incidentally, that has been winning. They won the last election. This organization trained the candidates that won the last election. The training manual says: "If you're dealing with your opponents, call them sick, pathetic, traitor," fundamentally corrupting the American process, I say. That is not what the political process ought to be about.

Calling your opponents traitors, sick, pathetic—what is sick and pathetic is the new style and the new brand of politics that believes this advances the public interest in this country.

What advances the public interest in this country is, if and when both sides in the two major political parties finally come to the same point and are addressing the same central issues, even in different ways—jobs, education, health care, the environment, family farming. When both sides are addressing them, even if they have substantially different views, they are at least addressing the public's business, at least addressing the things that most American families want to see the Congress address.

But when they are off always sawing away at the bottom of the tree, always biting and nibbling, always trying to figure out how you can simply destroy the base somehow, it seems to me you can hardly be called builders, you can hardly be called—in the tradition of those who always believed there would be enough people to make this system work—hardly be called constructive builders who participate in helping build the political system that the American people want.

My hope is that in the coming weeks—we have just 1 week left before there is an August break, and then about 4 or 5 weeks left before we will adjourn for the election—my hope is that during that time we will see substantially more cooperation, substantially less confrontation, and legislation enacted by the House and the Senate that addresses the central questions of people's concerns. I mentioned a few of them. Are they safe? Can they walk the streets? What about crime? Do they have jobs for themselves and their children? Does the education system work? Are our schools good enough? If not, what will make them better?

Can we fix the health care system to deal with preexisting conditions and portability of health care coverage, and make health care affordable for all people? Can we address the issue of those frozen at the bottom of the economic ladder working for very low wages who have been frozen for 7 years? Can we adjust the minimum wage?

Those are the central kinds of questions that if the Congress does address, will, I think, relate to the concerns of most of the American people.

Mr. President, I will yield the floor. My hope is that, although we are going to run through some appropriations bills this week, my hope is that a number of these other issues coming out of conference will be addressed as well.

SENATOR BENNETT JOHNSTON

Mr. DORGAN. Mr. President, let me make one final observation. The Senator who is on the Democratic side of the aisle working on this bill, Senate BENNETT JOHNSTON, as was mentioned by Senator KEMPTHORNE and others today, is one of, I think, the most admired Senators in this country.

He does it the right way. He addresses public issues in a thoughtful and responsible way. He is going to leave the Congress. I believe Members from both political parties would look at Senator JOHNSTON's public record and, with admiration, say this is someone who has served long and well in public service in this country and someone to whom we owe a debt of thanks and gratitude.

I know this will likely be the last bill that he is involved in managing with the Senator from New Mexico on the floor of the Senate. I did want to take the opportunity to wish him well in whatever new career he chooses. I am sure there are many opportunities ahead of him.

Mr. President, I yield the floor, and I make a point of order that a quorum is not present.

The PRESIDING OFFICER (Mr. JEFFORDS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

The Senate continued with consideration of the bill.

LAKE TRAVERSE

Mr. DORGAN. Mr. President, I want to take just a couple of minutes, I will be very brief, to make a point to those managing this legislation.

My understanding is an amendment has been noticed dealing with the issue of Lake Traverse. I want it to be clear that if an amendment is offered on Lake Traverse, I will oppose that amendment.

The issue is a lake in South Dakota. There is some concern about the water level in that lake. The water level and the amount of water held for flood control disadvantages people around Lake Traverse. It is also true, that Lake Traverse is used less for flood control and as the lake water level is lowered, more water would be flushed out of the lake and into the Red River, adversely affecting a good number of communities along the Red River.

We did have a meeting with the St. Paul District, Corps of Engineers folks and the staffs of a number of congressional delegations about what kind of collaborative effort could be developed to make sure the interests of all parties are resolved in an appropriate way.

Legislation introduced here in the Senate, if such an amendment is introduced, would represent a unilateral way to do this. I will not support that.

It seems to me we have a circumstance where a lake project was authorized many, many years ago for the purpose of flood control. I understand some of the controversy about it. If the Congress is going to instruct the Corps to manage that lake in a way that diminishes opportunity for flood

control, then the question is, who is going to bear the cost of that?

There will be a number of communities in North Dakota and Minnesota up on the Red River that will bear the cost of it. To the extent this problem is addressed and resolved, it must be resolved in a collaborative way, not through this kind of legislation.

If such an amendment is offered and I understand one has been referenced, I intend to oppose it. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5101

Mr. JOHNSTON. Mr. President, I am sending to the desk a sense-of-the-Senate resolution on behalf of the distinguished Senator from West Virginia, Mr. ROCKEFELLER, and others regarding the United States-Japan semiconductor trade agreement which is set to expire on July 31 of this year.

His resolution, after recounting the history of this agreement, resolves that: It is the sense of the Senate that, if a new United States-Japan semiconductor agreement is not concluded by July 31 of this year, that, first, it ensures continued calculation of foreign market share in Japan according to the formula set forth in the current agreement, and, second, provides for continuation of current measures to deter renewed dumping of semiconductors in the United States and in third country markets, the President shall do three things: First, direct the Office of the Trade Representative to provide for unilateral United States Government calculation and publication of the foreign share of the Japanese semiconductor market, according to the formula set forth in the current agreement; second, report to the Congress on a quarterly basis regarding the progress, or lack thereof, in increasing foreign market access to the Japanese semiconductor market; and, third, take all necessary and appropriate actions to ensure that all United States trade laws with respect to foreign market access and injurious dumping are expeditiously and vigorously enforced with respect to the United States-Japan semiconductor trade.

I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON), for Mr. ROCKEFELLER, for himself, Mr. CRAIG, Mr. BYRD, Mr. BINGAMAN, Mr. KEMPTHORNE, and Mr. DOMENICI, proposes an amendment numbered 5101.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert:

SECTION 1. FINDINGS.

The U.S.-Japan Semiconductor Trade Agreement is set to expire on July 31, 1996;

The Governments of the United States and Japan are currently engaged in negotiations over the terms of a new U.S.-Japan agreement on semiconductors;

The President of the United States and the Prime Minister of Japan agreed to the G–7 Summit in June that their two governments should conclude a mutually acceptable outcome of the semiconductor dispute by July 31, 1996, and that there should be a continuing role for the two governments in the new agreement;

The current U.S.-Japan Semiconductor Trade Agreement has put in place both government-to-government and industry-to-industry mechanisms which have played a vital role in allowing cooperation in replace conflict in these important high technology sector such as by providing for joint calculation of foreign market share in Japan, deterrence of dumping, and promotion of industrial cooperation in the designing of foreign semiconductor devices;

Despite the increased foreign share of the Japanese semiconductor market since 1986, a gap still remains between the share U.S. and other foreign semiconductor makers are able to capture in the world market outside of Japan through their competitiveness and the sales of these suppliers in the Japanese market, and that gap is consistent across the full range of semiconductor products as well as a full range of end-use applications;

The competitiveness and health of the U.S. semiconductor industry is of critical importance to the United States' overall economic well-being as well as the nation's high technology defense capabilities;

The economic interests of both the United States and Japan are best served by well-functioning, open markets and deterrence of dumping in all sectors, including semiconductors;

The Government of Japan continues to oppose an agreement that (1) ensures continued calculation of foreign market share in Japan according to the formula set forth in the current agreement, and (2) provides for continuation of current measures to deter renewed dumping of semiconductors in the United States and in the third country markets; and

The United States Senate on June 19, 1996, unanimously adopted a sense of the Senate resolution that the President should take all necessary and appropriate actions to ensure the continuation of a government-to-government U.S.-Japan semiconductor trade agreement before the current agreement expires on July 31, 1996:

SEC. 2.

It is the sense of the Senate that if a new U.S.-Japan Semiconductor Agreement is not concluded by July 31, 1996, that (a) ensures continued calculation of foreign market share in Japan according to the formula set forth in the current agreement, and (b) provides for continuation of current measures to deter renewed dumping of semiconductors in the United States and in third country markets, the President shall—

(1) Direct the Office of the United States Trade Representative and the Department of Commerce to establish a system to provide for unilateral U.S. Government calculation and publication of the foreign share of the Japanese semiconductor market, according to the formula set forth in the current agreement;

(2) Report to the Congress on a quarterly basis regarding the progress, or lack thereof, in increasing foreign market access to the Japanese semiconductor market; and

(3) Take all necessary and appropriate actions to ensure that all U.S. trade laws with respect to foreign market access and injurious dumping are expeditiously and vigorously enforced with respect to U.S.-Japan semiconductor trade, as appropriate.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I ask unanimous consent that I be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I am offering an amendment that is the result of the calendar. I appreciate, therefore, the cooperation from the bill managers in allowing us to use the Energy-Water appropriations bill as a vehicle for drawing attention to an important issue for Americans. Today is July 29, and in 2 days, on July 31, the Semiconductor Agreement between the governments of the United States and Japan expires.

That is why I rise, on behalf of myself, and Senators CRAIG, BYRD, KEMPTHORNE, BINGAMAN, DOMENICI, and BOXER to offer a resolution expressing the sense of the Senate that if our negotiators are unable to reach a compromise on this important issue with the Government of Japan, that we should continue calculating the foreign share of the Japanese semiconductor market—with or without their formal cooperation. We need to do this in order to ensure continued access to the Japanese market, and to prevent illegal dumping into our market.

Since 1986, when the first Semiconductor Agreement was signed, the U.S. share of the Japanese market has grown from 8.5 percent to a little more than 17 percent. The United States share of the world market, excluding Japan, is about 54 percent. Mr. President, each point of the Japanese market is worth about $420 million in sales to the American economy and jobs, which translates into about $46.2 million in increased research and development, and $63 million in new capital investment. With numbers like that, I think it is clear how important it is that we ensure continued American access to the Japanese semiconductor market.

Mr. President, I had hoped that we would start off this week expressing relief that a new agreement between Japan and the United States has been reached. But unfortunately, that has not happened yet. This remains an example of a situation in which American trade negotiators still are unable to succeed in convincing their Japanese

counterparts that it is in our mutual interest to resolve a trade-related issue that is about market access and ensuring fair trade.

What surprises me is that industry on both sides of the Pacific, and around the world, have generally applauded the two Semiconductor Agreements. Things have come a long way since 1986, when the first Semiconductor Agreement was reached and the U.S. semiconductor industry was on death's door. Since then, that agreement and the subsequent 1991 agreement, along with initiatives like Sematech, have helped American industry regain its footing and become the world leader that it is today. Markets around the world are expanding, profits are up, and the outlook for the entire industry is good.

But this period of improving market access for the U.S. semiconductor market and injecting more fairness in our trade relationship has also been short enough that we still need another agreement to avoid setbacks or suprises that could otherwise easily confront us and escalate trade-related tension unnecessarily.

Because the stakes are so high, I offer this Sense-of-the-Senate Resolution to call for appropriate action that should be taken if an agreement is not reached. Our resolution says: if an agreement on semiconductors is not reached by July 31—the date when the current agreement expires, and the date that Prime Minister Hashimoto agreed to—then the United States should unilaterally establish a system to monitor the Japanese semiconductor market, and report to Congress on a quarterly basis the progress, or lack thereof, in increasing foreign access to the Japanese semiconductor market.

I have spent many years studying and working on issues involving Japan, especially in the trade area. For that reason, I have watched the semiconductor agreement with keen interest. Many observers think or talk of this particular issue as one that just affects the businesses and communities tied to making this technology. But we are actually talking about a product often called chips that play a key role in the condition and prospects of many other industries. This type of chips, these semiconductors, form the guts of all those things shaped out of the steel that my State of West Virginia produces, along with plastics and practically everything else that makes our trains run on time, inflates the airbags in our cars, makes the elevator stop on our floors, and of course, powers our computers.

My State does not have an Intel or a Motorola that actually makes the chips. But West Virginia and many other states have industries that fall somewhere in what is called the high technology food chain. Semiconductors are the result of companies and workers who make and provide the materials that go into the end-product—sophisticated chips that make the United States one of the world's powerhouses in high-tech, and generate business and profits for many other industries around the country.

Earlier this month, I visited PPG Industries in West Virginia. PPG started more than 100 years ago as the Pittsburgh Plate Glass Co. They are still one of the leading flat glass companies in the world, but they no longer resemble their ancestor of the 19th century, or even the early 20th century. They are a 21st century company that makes high performance thermoplastics that go into the housing for Pentium chips—the most advanced semiconductors in today's personal computers [PC's]. When Japan buys more American made semiconductors and computers, the benefits are reaped all the way down the high technology food chain to companies like PPG.

My hope is that Japan will see how they benefit, in so many ways, from finding common ground with the United States in settling our trade disputes and maintaining the fair and open trade arrangements we seek in the case of semiconductors. The United States and Japan have deep, meaningful ties with one another, from our security relationship which forms the bedrock of security and stability in East Asia to the leading role we both play in the world's economy. We must continue as friends and as major economic players in the world to try to make bilateral trade another area where we resolve our differences, adhere to the principle of reciprocity and fairness, and play by the same rules. In the case of semiconductors, the United States should not be asked to risk going back to the days, from not very long ago, when we could not reach the Japanese market with products that are the best in the world. I hope Japan will soon agree, but until that happens, I offer this resolution to highlight Americans' stake in the outcome and to propose the steps that should be taken to protect our economic interests.

Mr. DOMENICI. Mr. President, we have no objection to the amendment on our side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 5101) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5099 TO AMENDMENT NO. 5098, AS FURTHER MODIFIED

Mr. JOHNSTON. Mr. President, earlier this afternoon, Senator DOMENICI introduced an amendment on his behalf and on my behalf a second-degree amendment, and later we struck a paragraph of that amendment. I now, Mr. President, would like to further correct our action.

On the first page of amendment No. 5098 to S. 1959, on the first page we should strike the following language—strike the paragraph that begins: "Insert where appropriate: 'MAINTENANCE OF SECURITY'" et cetera, and ending with the phrase: "SECURITY AT THE GASEOUS DIFFUSION PLANTS;".

I would like to vitiate that action with respect to that paragraph.

Mr. DOMENICI. Reserving the right to object, did we not do that?

Mr. JOHNSTON. We took out part of it but not all of it.

Mr. DOMENICI. I understand that there is a McConnell amendment, and we have the right in his behalf of offering it freestanding. Now, as soon as we contact him, we will in short order offer it. This would not preclude us from offering that; is that correct? I ask a parliamentary inquiry.

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 5099) to amendment No. 5098, as further modified, is as follows:

In Amendment No. 5098, strike lines 3 through 9 and insert in lieu thereof:

On page 19, line 3, strike "2,749,043,000," and insert in lieu thereof "2,764,043,000," and on page 20, line 9, strike "220,200,000 and insert in lieu thereof "205,200,000."

Insert where appropriate: Within available funds, up to $2,000,000 is provided for demonstration of stir-melter technology developed by the Department and previously intended to be used at the Savannah River site. In carrying out this demonstration, the Department is directed to seek alternative use of this technology in order to maximize the investment already made in this technology."

Insert where appropriate: "*Provided*, That, funds made available by this Act for departmental administration may be used by the Secretary of Energy to offer employees voluntary separation incentives to meet staffing and budgetary reductions and restructuring needs through September 30, 1997 consistent with plans approved by the Office of Management and Budget. The amount of each incentive shall be equal to the smaller of the employee's severance pay, or $20,000. Voluntary separation recipients who accept employment with the Federal Government, or enter into a personal services contract with the Federal Government within 5 years after separation shall repay the entire amount to the Department of Energy."

On page 2, between lines 24 and 25, insert the following: "Tahoe Basin Study, Nevada and California, $200,000; Walker River Basin restoration study Nevada and California, $300,000;"

On page 3, line 20, strike "construction costs for Montgomery Point Lock and Dam, Arkansas, and"

On page 13, line 21, after "expended" insert "*:Provided further*, That within available funds, $150,000 is for completion of the feasibility study of alternatives for meeting the

drinking water needs of Cheyenne River Sioux Reservation and surrounding communities".

On page 7, line 19, add the following before the period: ":*Provided further*, That the Secretary of the Army is directed to use $600,000 of funding provided herein to perform maintenance dredging of the Cocheco River navigation project, New Hampshire."

On page 5, after line 2, insert the following: "Mill Creek, Ohio, $500,000;".

On page 5, line 8, strike "$6,000,000" and insert in lieu thereof: "$8,000,000".

On page 23, line 22, strike "$5,615,210,000" and insert "$5,605,210,000"; and on page 23, line 8, strike "$3,978,602,000" and insert "$3,988,602,000".

On page 14, on line 12, after "amended" insert "$12,500,000 shall be available for the Mid-Dakota Rural Water System".

On page 6, line 24, strike "1,700,358,000" and insert "1,688,358,000."

On page 3, line 15, strike "1,024,195,000" and insert "1,049,306,000."

On page 5, line 25, insert the following before the period: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to initiate construction on the following projects in the amounts specified:

"Lake Harbor, Alaska, $4,000,000;

"Helena and Vicinity, Arkansas, $150,000;

"San Lorenzo, California, $200,000;

"Panama City Beaches, Florida, $400,000;

"Chicago Shoreline, Illinois, $1,300,000;

"Pond Creek, Jefferson City, Kentucky, $3,000,000;

"Boston Harbor, Massachusetts, $500,000;

"Poplar Island, Maryland, $5,000,000;

"Natchez Bluff, Mississippi, $5,000,000;

"Wood River, Grand Isle, Nebraska $1,000,000;

"Duck Creek, Cincinnati, Ohio, $466,000;

"Saw Mill River, Pittsburgh, Pennsylvania, $500,000;

"Upper Jordan River, Utah, $1,100,000;

"San Juan Harbor, Puerto Rico, $800,000; and

"Allendale Dam, Rhode Island, $195,000: *Provided further*, That no fully allocated funding policy shall apply to construction of the projects listed above, and the Secretary of the Army is directed to undertake these projects using continuing contracts where sufficient funds to complete the projects are not available from funds provided herein or in prior years."

On page 14, line 1, strike "$410,499,000" and insert "$398,596,700".

On page 15, line 13, insert the following before the period: *: Provided further*, That $1,500,000 shall be available for construction of McCall Wastewater Treatment, Idaho facility, and $1,000,000 shall be available for Devils Lake Desalination, North Dakota Project".

On page 29, between lines 5 and 6, insert the following:

"SALARIES AND EXPENSES

"For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $342,000."

On page 33, between lines 7 and 8, insert the following:

"SALARIES AND EXPENSES

"For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $322,000."

On page 17, line 19, strike "$48,971,000" and insert "$48,307,000".

On page 7, line 19, insert the following before the period: "*Provided further*, That $750,000 is for the Buford-Trenton Irrigation District, Section 33, erosion control project in North Dakota".

Mr. DOMENICI. Mr. President, in behalf of the leader, I ask unanimous consent—and I understand this has been approved by the minority—at the hour of 9:30 a.m. on Tuesday, that is, July 30, there be 20 minutes for closing remarks under the control of myself and Senator JOHNSTON or their designees, and at the hour of 9:50 a.m. there be 10 minutes under the control of Senator MCCAIN, and that at the hour of 10 a.m. there be 2 minutes for debate to be equally divided in the usual form prior to the vote in relation to amendment No. 5094, to be followed by votes on or in relation to amendments Nos. 5095 and 5096, with the same 2 minutes for debate between each vote to be equally divided, provided that no second-degree amendments be in order to these amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. Just a moment.

I further ask unanimous consent that following the first stacked rollcall vote, each remaining vote be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOMENICI. Mr. President, I think we have appropriately reserved what everyone wanted us to preserve and protect, and if I understand correctly—and perhaps Senator JOHNSTON can listen and see if I am right—Senator GRAMS' amendment on the Appalachian Regional Commission is not provided for in this. Therefore, it will be taken up in due course tomorrow. But none of this agreement with reference to time limits and/or amendments applies.

Mr. JOHNSTON. The Senator is correct.

Mr. DOMENICI. I understand Senator MCCAIN has an amendment pending striking section 503. It has not been disposed of, or provided for, I should say, in this unanimous consent request. So unless we can dispose of it, it will be pending also tomorrow. I understand that on the Democratic side, you are trying to get Senator FEINGOLD, if he can, to come to the floor with reference to an Animas LaPlata amendment.

Is there any hope that that will be forthcoming soon, Senator FEINGOLD on Animas LaPlata?

Mr. JOHNSTON. I am advised he has an amendment, but we do not have a copy of it.

We are advised he is on his way.

Mr. DOMENICI. All right. There has been time provided for Senator CAMPBELL in a previous unanimous consent agreement, but I believe if the amendment is offered tonight, the Senator has the privilege of 10 minutes in opposition to it.

AMENDMENT NO. 5095

Mr. JOHNSTON. Mr. President, I send a letter to the desk addressed to me dated today and signed by Terry R. Lash, Director of the Office of Nuclear Energy, Science and Technology, which details the principal arguments against terminating the advanced light water reactor program and, among other things, points out that in the fifth year of a 5-year program, the cost to terminate this program would exceed the Government's obligation, which is $22 million in this budget. So it would seem foolhardy at best to do so.

I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF ENERGY,
Washington, DC, July 29, 1996.

Hon. J. BENNETT JOHNSTON,
Ranking Minority Member, Subcommittee on Energy and Water Development, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR JOHNSTON: We are pleased to respond to your request for additional information about our Advanced Light Water Reactor (ALWR) program. As we indicated in our recent letter to Senator Domenici, the Department of Energy opposes the amendment to eliminate funding for the ALWR program from the FY 1997 Energy and Water Development Appropriations Bill. This amendment appears to be based on several important misconceptions about the Department's ALWR program.

One misconception is that it is "corporate welfare." We strongly disagree with this characterization. The program uses limited federal funds to encourage U.S. industry to pursue R&D that is clearly in the long-term interests of the United States. The preservation of the nuclear energy option is vital to the future energy supply in this country.

In addition to serving the national interest, this program is designed such that industry provides the majority of program funding. With the Department's leadership, a unique alliance of electric utilities, technology vendors, and government have come together to conduct a highly focused and goal-oriented technology development program. Since the ALWR program began in 1986, the Department has conducted $800 million in program activities with a taxpayer investment of only $300 million. Further, the federal government will receive reimbursements when the technology developed by the FOAKE program is sold. For example, the federal government should receive approximately $3 million from General Electric as a result of its sale of ABWRs to Taiwan (which, unlike the plants GE previously sold to Japan, are based on technology developed by the Department's program). Westinghouse Electric Corporation has agreed to pay $25 million to the government with the sale of its first AP600 to repay design certification funding and an additional $4 million for each reactor sold to repay federal FOAKE contributions.

Second, critics of the program have stated that the program's authority under the Energy Policy Act of 1992 (EPACT) ends in FY 1996. In truth, the EPACT limits the First-of-A-Kind Engineering (FOAKE) program to five years and limits total program funding to $100 million. The EPACT became law in fiscal year 1993. The Department is, therefore, fully authorized under the EPACT to

apply funds to the FOAKE program in FY 1997. Further, the Department has spent only about $82 million on the FOAKE activity program since it began in 1992. There have been significant increases in program cost, but these have been absorbed by industry. In any event, the Department's General Counsel has determined that the Department is also fully authorized by the Atomic Energy Act to conduct nuclear energy research and development programs and the EPACT does not limit this authority.

Third, there have been recent statements to the effect that there is no U.S. utility interested in building new ALWRs. In our view, the fact that the electric utility industry has provided hundreds of millions of dollars to conduct ALWR activities indicates that utility executives remain interested in the nuclear option. The Department is aware of an invalid recent survey which indicates that 89 percent of utility CEOs would not consider ordering new nuclear power plants, but even a casual examination of the response data finds that its accuracy is suspect. This survey received responses from only 397 of nearly 3600 U.S. electric utilities—and it is not clear that the respondents include the 44 utilities that currently own and operate nuclear power plants.

Fourth, there has also been considerable discussion about General Electric's decision to terminate its Simplified Boiling Water Reactor (SBWR) activities. The program's critics theorize that this action was taken because there is no market for small plants, including the Westinghouse-designed AP600. It must be recognized that GE's market strategy is very focused on the east Asian market—particularly Japan. In many of these countries, there is considerable incentive to build large plants with high power capacity. Press accounts indicate that GE's intent apparently is to abandon this small reactor in favor of a significantly larger plant with the same technical approach as the SBWR.

Other potential markets are more interested in factors such as lower capital cost and lower complexity—attributes natural to mid-sized plants. These attributes are very attractive to U.S. utilities and others as well. Currently twenty-two countries contribute funds and personnel to the AP600 program. The Department believes that this represents a significant international interest in advanced mid-sized nuclear power plants with passive safety systems.

Regarding recent concerns about termination costs, the Department has been informed by its program contractors that significant termination costs may be sought from the Department if the FOAKE program is terminated prematurely. Many of these costs would result from the early termination of personnel and subcontractors. Westinghouse, for example, estimates that the early termination of its portion of the design certification program would cost about $28 million. Westinghouse also estimates that its FOAKE termination costs would be approximately $10 million. Other contractors would be expected to seek lesser amounts, because their participation in the program is nearly complete. The Advanced Reactor Corporation, which manages the FOAKE program, has indicated that it may seek as much as $24 million from the Department if the program is terminated at this stage.

Since the potential that these costs might have to be paid by DOE has been raised only recently, we have not fully evaluated the accuracy of this claim. The contract appears to offer some protection from these costs, but it is possible that the federal government could be held liable for some termination expenses. A legal analysis has been initiated to investigate this and other ramifications of an early shutdown of the ALWR program.

I hope this information is of assistance to you. Do not hesitate to call me if you would like additional information.

Sincerely,

TERRY R. LASH, DIRECTOR,
Office of Nuclear Energy, Science and Technology.

Mr. DOMENICI. Mr. President, might I ask the Senator from Louisiana a question? In that $40 million that we have been talking to with reference to——

Mr. JOHNSTON. It is $22 million.

Mr. DOMENICI. Senator MCCAIN's amendment on the light water reactor, can the Senator inform me again what portion is the light water reactor and what portion is now for wrapping up the program? There are two pieces, are there not, 22 and 18?

Mr. JOHNSTON. Yes, that is correct.

Mr. DOMENICI. The 18 is for termination costs?

Mr. JOHNSTON. Of the first-of-a-kind engineering program.

Mr. DOMENICI. Right.

Mr. President, in the afternoon when I spoke about the $40 million program, two programs that are being stricken by the McCain amendment, I alluded to those collectively at 40 and as the light water reactor. As a matter of fact, that is incorrect; $22 million is for the light water reactor and $18 million is for termination of first-of-a-kind engineering. Wherever I alluded to that, I ask unanimous consent that the RECORD be corrected and there be the distinction made as to the two parts of the $40 million.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, before Senator FEINGOLD is recognized, I wonder if I could offer first an amendment that has been approved on the other side on behalf of Senator SIMON. It is an amendment regarding $5 million being made available for research in converting saline water to fresh water.

AMENDMENT NO. 5102

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. SIMON, proposes an amendment numbered 5102.

On page 19, line 4 add the following before the period: ": *Provided, That* $5,000,000 shall be available for research into reducing the costs of converting saline water to flush water".

Mr. DOMENICI. Is there objection to the amendment that is pending?

Mr. JOHNSTON. We are in full agreement with that amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 5102) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5103

(Purpose: To provide that $10,000,000 shall be available for the electrometallurgical treatment of spent nuclear fuel at Argonne National Laboratory)

Mr. DOMENICI. In behalf of Senator KEMPTHORNE and Senator CRAIG, I offer an amendment with reference to the Environmental Restoration Waste Management Program, a $5 million add-on for the electrometallurgical treatment of spent nuclear fuel at Argonne Laboratory. It has been approved on the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for Mr. KEMPTHORNE, for himself and Mr. CRAIG, proposes an amendment numbered 5103.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following: "Of amounts appropriated for the Defense Environmental Restoration and Waste Management Technology Development Program, $5,000,000 shall be available for the electrometallurgical treatment of spent nuclear fuel at Argonne National Laboratory.".

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 5103) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5104

Mr. DOMENICI. Mr. President, I offer an amendment which also has been cleared on the other side in behalf of Senator HATFIELD, an amendment, "Opportunity to review and comment by the State of Oregon on certain remedial actions at Hanford Reservation." I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. HATFIELD, proposes an amendment numbered 5104.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 37 add the following new section:

SEC. . OPPORTUNITY FOR REVIEW AND COMMENT BY STATE OF OREGON ON CERTAIN REMEDIAL ACTIONS AT HANFORD RESERVATION, WASHINGTON

"(a) OPPORTUNITY.—

(1) Subject to subsection (b), the Site Manager at the Hanford Reservation, Washington, shall, in consultation with the signatories to the Tri-Party Agreement, provide the State of Oregon an opportunity to review and comment upon any information the Site Manager provides the State of Washington under the Hanford Tri-Party Agreement if the agreement provides for the review and comment upon such information by the State of Washington.

(2) In order to facilitate the review and comment of the State of Oregon under paragraph (1), the Site Manager shall provide information referred to in that paragraph to the State of Oregon at the same time, or as soon thereafter as is practicable, that the Site Manager provides such information to the State of Washington.

(b) CONSTRUCTION.—This section may not be construed—

(1) to require the Site Manager to provide the State of Oregon sensitive information on enforcement under the Tri-Party Agreement or information on the negotiation, dispute resolution, or State cost recovery provisions of the agreement;

(2) to require the Site Manager to provide confidential information on the budget or procurement at Hanford under terms other than those provided in the Tri-Party Agreement for the transmission of such confidential information to the State of Washington;

(3) to authorize the State of Oregon to participate in enforcement actions, dispute resolution, or negotiation actions, conducted under the provisions of the Tri-Party Agreement;

(4) to authorize any delay in the implementation of remedial, environmental management, or other programmatic activities at Hanford; or

(5) to obligate the Department of Energy to provide additional funds to the State of Oregon.

SEC. . SENSE OF THE SENATE, HANFORD MEMORANDUM OF UNDERSTANDING.

It is the Sense of the Senate that—

(1) the State of Oregon has the authority to enter into a memorandum of understanding with the State of Washington, or a memorandum of understanding with the State of Washington and the Site Manager of the Hanford Reservation, Washington, in order to address issues of mutual concern to such States regarding the Hanford Reservation; and

(2) such agreements are not expected to create any additional obligation of the Department of Energy to provide funds to the State of Oregon.

Mr. DOMENICI. We have no objection to the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 5104) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5105

Mr. DOMENICI. Mr. President, Senator MCCAIN is not present today. He has asked me to submit—he had three reservations. This is the third one striking section 503 from the bill. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. MCCAIN, proposes an amendment numbered 5105.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike section 503 of the bill.

Mr. DOMENICI. Mr. President, this is not going to be accepted today. It is an amendment which will be pending at the close of business today. I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I ask the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5106

(Purpose: To eliminate funding for the Animas-LaPlata Participating Project)

Mr. FEINGOLD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 5106.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, lines 1 through 5, strike "$410,499,000, to remain available until expended, of which $23,410,000 shall be available for transfer to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d)," and insert "$400,999,000, to remain available until expended, of which $13,910,000 shall be available for transfer to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d) (of which no amount may be used for the Animas-LaPlata Participating Project),".

Mr. DOMENICI. Mr. President, I wonder if the Senator will yield for a question?

Mr. FEINGOLD. I yield for a question.

Mr. DOMENICI. The next bill up will be legislative appropriations. They are wondering when we will conclude. I understand this is the last matter of business pertaining to this bill. Could the Senator indicate to us how much time he might need?

Mr. FEINGOLD. Mr. President, my statement, in answer to the question of the Senator from New Mexico, is about 15 to 20 minutes at the most.

Mr. DOMENICI. Would the Senator agree to 20 minutes for himself and 10 minutes for the opposition, which will be used at a later time?

Mr. FEINGOLD. I agree to that, Mr. President.

Mr. DOMENICI. I ask unanimous consent there be 20 minutes allotted to Senator FEINGOLD, and the order already has 10 minutes in it for Senator CAMPBELL.

The PRESIDING OFFICER (Mr. CAMPBELL). Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I thank the managers, the Senator from Mexico and Louisiana, for their management of the bill and for their cooperation in making it possible for me to offer this amendment at this time.

I rise today to discuss a matter of concern to me and many other Senators, the $10 million in funding for the initiation of construction of the Animas LaPlata water project that is contained in the Senate version of the fiscal year 1997 energy and water appropriations bill.

This project is a perfect example of water policy from a by-gone era. For those who are unfamiliar with it, the Animas LaPlata project is a $714 million taxpayer-funded water development project planned for southwest Colorado and northwest New Mexico. Designed to supply 191,230 feet of water, the Animas LaPlata project consists of two major reservoirs, seven pumping plants, and 200 miles of canals and pipes. The project will pump water over 1,000 feet uphill, consuming enough power to run a city of 60,000, to supply municipal, industrial, and irrigation interests.

I am concerned about this project because of its extremely high projected cost to the taxpayer. This is among the last of the big Federal water projects, and the kind I believe we can no longer afford. The cost to the Federal Government of this project will amount to $481 million, nearly 68 percent of the total cost—an expense which has led opponents of the project to label it "Jurassic Pork." My fiscal concerns are compounded by the likelihood that, as a remedy to address the legitimate water rights concerns of the Ute Mountain Ute and Southern Ute tribes, it may fall short of achieving even its nonmonetary benefits.

The high cost of the project makes the water it seeks to store incredibly expensive. The construction cost allocated to irrigation amounts to $7,467

per acre of irrigated land—for land currently worth about $500 per acre. The project provides an average irrigation subsidy of over $2 million per farm over the 100-year life of the project. I believe that the Congress should act to seek the consideration of lower-cost alternatives and terminate this project rather than initiate construction. My concerns are heightened now that the House has acted to terminate Animas LaPlata. I believe it would be additionally costly and wasteful to allow Animas LaPlata to move forward with limited appropriations in this and the next few fiscal years only to find the project will be terminated in the coming years. This seems pretty wasteful.

I would like to discuss each of my concerns in greater detail, and to try to provide more extensive background on the history of this matter.

First, while there are concerns about the fulfillment of Ute tribal water rights now associated with this project, I wanted to make it clear to my colleagues that this project was not initiated as a way to address these claims. Animas LaPlata has a much longer history. It was authorized in 1968 as a project to supply irrigation water to farmers growing low value forage crops. Even back then in the days of big water projects, this one was so bad it could not get going. In 1988, nearly 20 years after it was authorized, the settlement of the Ute Indian water rights claims became an additional justification for pushing the project through; but it was an additional justification, not the initiation. Yet, as with any bad idea that is dressed up to appear better, this project continues to be riddled with many problems.

By way of background, I do not need to tell the current Presiding Officer, he knows very well, this project is scheduled to be built in two phases. Phase 1 of the project is to be constructed entirely at Federal cost in two stages, A and B. And then phase 2 is to be constructed at non-Federal cost.

At the present time, there are at least 6 overlapping impediments to this project going forward successfully:

First, conflicts under the Endangered Species Act;

Second, failure to comply with the National Environmental Policy Act, NEPA;

Third, violation of the Water Supply Act of 1954 regarding repayment of construction costs;

Fourth, a 1994 inspector general's audit determining that the project is not economically feasible;

Fifth, the Bureau of Reclamation's own 1995 economic analysis supporting the 1994 IG's report conclusions;

And finally, six, persistent questions about the ability of this project to meet the regional Indian water rights claims, even if that was the original purpose, which it was not.

I would like to discuss each of these concerns a little bit more. In 1990, the Bureau was notified that the project would trigger Endangered Species Act protections because withdrawal of water from the rivers affected would result in the demise of certain fish native to the area.

The issue was reviewed, and the Bureau is currently permitted to build only one-third of the project, the portion known as phase 1, stage A. Building only this portion of the project would not allow the project to actually fulfill the tribal water rights claims that are often cited as the reason to go forward.

In 1992, the Bureau was sued because it had failed to comply with the National Environmental Policy Act, and the court upheld that claim. The Bureau of Reclamation took 3 years to complete its supplemental environmental impact statement, and within days, the EPA promptly found the supplemental EIS unsatisfactory, and now the project is a likely candidate for referral to the Council on Environmental Quality.

In May 1996, the EPA wrote to the Bureau to express its concerns. All Members of the Senate should have received a copy of the EPA letter when they received my Dear Colleague letter on this amendment last Friday. A letter to Mr. Martinez, Bureau Director, from Richard Sanderson, Director of EPA's Office of Federal Activities, dated May 1, 1996, states:

> We remain concerned that the Bureau of Reclamations's present formulation of the Animas LaPlata project will result in unacceptable adverse environmental impacts that should be avoided.

The letter cites, among those consequences, impacts to water quality, Navajo water rights, mitigation concerns, and impacts associated with municipal and industrial uses. The letter concludes:

> It is unclear whether the fully sized Animas LaPlata project will ever be constructed if the current constraints remain unchanged. We believe that the Bureau of Reclamation needs to reexamine whether there are more appropriate alternatives that meet these constraints instead of merely constructing stage A of the Animas LaPlata project.

In addition, municipal and industrial users are required under the Water Supply Act of 1958 to fully repay all the construction costs and operation and maintenance costs attributable to the supply of municipal and industrial water. Those repayment contracts are to be in place before construction begins.

Currently, a number of repayment contracts have not been signed. Those that have been signed and those that are anticipated to be signed are over $100 million short of the projected municipal and industrial cost. It is questionable if the project will ever comply with the law and obtain full reimbursement of municipal and industrial costs from the project beneficiaries.

In addition, in 1994, the Interior Department's inspector general audited the project and declared that the project was neither financially feasible nor economically justifiable.

A July 1995 economic analysis by the Bureau of Reclamation, the only analysis that used economic procedures approved for Bureau analyses and a current discount rate, reported that the project's benefit cost ratio is 36 to 1. That is 36 to 1. In other words, the project will only return 36 cents for every tax dollar invested. That is not a very good ratio.

Given all of these failures to comply with the Federal laws designed to protect the taxpayer and the environment, Mr. President, one has to question the advisability of moving forward with such a troubled project.

In addition to Federal law concerns, the project does face some State legal problems, as raised by the attorney general of the State of New Mexico in a letter to the distinguished chairman of the Appropriations Committee on July 17, 1996. Our colleagues should have received a copy of this letter on Friday, as well, in their offices. Attorney General Udall's letter states, "The ALP project threatens to violate or exacerbate existing violations of multiple State water quality standards, including selenium, mercury, and others."

Now, Mr. President, having listed these six concerns, I want to specifically address the issue of the effect of the termination of this project on the legitimate water rights claims of the Ute Mountain Ute and Southern Ute tribes. This is an issue of grave concern to me, and I know it is of paramount importance to the occupant of the chair, the junior Senator from Colorado, who has longstanding ties to the Ute Nations that predate his service in the U.S. Senate. As a Senator from a State with 11 federally recognized tribes, I take tribal issues extremely seriously and know, as does the junior Senator from Colorado, that tribal issues are often the least well understood and can be very divisive.

I believe it is of paramount importance to fulfill the Federal Government's obligations to the tribes. And as the junior Senator from Colorado will undoubtedly state, both Ute tribal governments do formally support Animas LaPlata. However, it is also important to place the Ute's interest in perspective. Of the 191,230 acre-feet of water supplied by the project, two-thirds of that water will go to nontribal interests with only 62,000 acre-feet of the total to be supplied to both tribes.

I am concerned that the Animas LaPlata, despite the best of intentions and arguments of proponents' attorneys, simply cannot meet the needs of the tribes because the initial construction phase of the project will neither provide the delivery system nor the quantity of water needed to fully honor

the Federal Government's commitments to the tribe. We should not spend hundreds of millions of dollars and still find the tribal needs potentially unmet. Instead, we should begin to have the Bureau examine alternatives that would fully meet the needs of the tribes in a timely way and at less cost.

There is at least a portion of the Southern Ute tribe, as you well know, Mr. President, that shares these concerns. From the perspective of the tribal councils, majority rules and the majority position of the councils is to support this project. However, we in the Senate know well the importance of protecting minority voices. Indeed, that is exactly what this body is designed to do. Those in the Southern Ute Tribe who oppose Animas LaPlata, the Southern Ute Grassroots Organization, are on the committee of elders and have strong concerns.

On Friday, every Member of this body should have received another copy of the letter they sent to Members of the Senate in April 1995. That letter specifically asked Congress to refuse to appropriate money to the Animas LaPlata until the Bureau thoroughly studies the other alternatives. I think it important for all Members of the Senate to be aware that there is actually a substantial division among the members of the Southern Ute Tribe about the wisdom of this project.

If we do not reexamine this project, a future Senate will be right back where we are today. The Ute Tribes' water rights settlement says if the project isn't built and fully functional by the year 2000, the tribes may, and are able to, void the settlement and go back into negotiations or litigation. The Bureau of Reclamation, most in this body would agree, is not an agency whose operating history has been free from cost overruns and delays. The Bureau now indicates, before the commencement of the project, that it cannot complete the project at least before the year 2003, Mr. President.

I am afraid what will likely happen if Congress moves forward with this project is that the project may be in some sort of state of construction in 2003, the tribal governments will examine the cost they will have to pay for Animas LaPlata water, which will be about twice the local cost for municipal and industrial water, and they simply might decide they will not be able to use the water or sell it. It is not unreasonable to expect the Utes may seek to avoid their settlement, wherein the non-Indian irrigators will get their project with its $5,000 an acre subsidy and Congress, in the year 2005 or so, will have to fund a new water rights settlement anyway, without resolving the legitimate concerns of the two tribes.

Mr. President, I also want to raise another question relating to tribal water rights, and that is the rights of the Navajo Nation who live downstream of this project in New Mexico.

The Navajo Nation has not formally opposed this project, but they are concerned about the impacts it will have on their nation. In an August 1995 letter to the Bureau of Reclamation Denver office, the Navajo Nation indicated that the Animas LaPlata project would adversely affect their trust water resources by decreasing the amount of water in the San Juan River basin for their use and development. The Navajo Nation as expressed in their letter "exert sovereign control over its water resources through the Navajo Nation Water Code * * * Depletions resulting from ALP development will affect the sovereign administration and management of Navajo water resources. Projected ALP development and Navajo reservoir operation may require the reevaluation of existing water uses permitted under the Water Code, with potentially adverse consequences for the Navajo Nation."

So, Mr. President, my understanding is that Navajo's rights to use water within the San Juan River have not yet been adjudicated, yet as the San Juan is the only reliable developable source of water in the northern portion of the Navajo Nation these issues will continue to be important.

I want to make the record clear however, that the Navajo Nation, in a follow-up letter, clearly stated its concern that they did not want to adversely affect the Utes' legitimate claims. Nevertheless, their Nation has made it clear that they are prepared and ready to assert their own water claims.

In other words, Mr. President, the continuation of Animas LaPlata is not likely to settle tribal water rights claims in this region. Therefore, it is critical before construction begins, that we take a second look at whether there is a better way, a small, less controversial means of satisfying the Ute claims without the massive Animas LaPlata project.

By every indication, even the Bureau recognizes the massive project originally envisioned will never be built. At best, a much smaller, less ambitious project is the only feasible outcome. Yet the Bureau has never formally acknowledged this fact, nor has Congress taken an active role in shaping a project modification. Instead we are asked to continue to appropriate funds for an infeasible project.

There are those in the Senate that may ask why this Senator has such significant concerns about a very old water project for which some individuals have such strong support. I have some personal experience, Mr. President, of a situation like this in Wisconsin because people in the western part of my State are living with the legacy of a failed Army Corps of Engineers water project, the La Farge Dam. In 1962 Congress authorized $15.5 million—which would today cost about $102 million to build the same thing—for La Farge dam and lake to be constructed along the Kickapoo River in Wisconsin. They touted the tourism opportunities of lake and flood control for neighboring residents not unlike the Animas LaPlata. And 144 farms and homes were condemned. Families were relocated. It Impacted both the tax base and local business. Construction began in 1971 and was their discontinued in 1975, due to its environmental impact and the presence of native archeological sites, when the project was three-quarters complete.

At one point passions over this issue became so intense that former Senators Proxmire and Nelson, and former Governor Lucey were burned in effigy. The area, already struggling economically prior to the dam's development, was devastated. By 1990, it was estimated that annual losses resulting from the cessation of family farm operations and the unrealized tourism benefits that had been promised with the dam totaled more 300 jobs and $8 million for the local economy per year.

In fact, Mr . President, the only remaining legacy of the project is a fragmented landscape. It is dotted with scattered remains of former farm homes, and a 103 foot tall, concrete shell of the dam, with the Kickapoo River flowing unimpeded through a 1,000-foot gap. The most important benefit of the dam, its flood control protection, was never realized. The legacy of La Farge, which only recently has begun to have a silver lining with the passage last month of language to deauthorize the project and turn the lands over to control by the State and the Ho Chunk Nation, a Wisconsin tribe, is one that I think should not be forgotten. It is a serious example of the Federal Government's mistake with a big project that did not work.

Last week, as you well know, the House of Representatives finally voted 221-200 to stop the funding for the Animas LaPlata project as it is currently designed. That effort was led by my colleagues from Wisconsin, Representative PETRI, and Congressman DEFAZIO from Oregon. Members in the other body made it very clear that they want the Department of the Interior to review and develop a sensible alternative that will effectively meet the legitimate needs of the tribes in a more cost-effective and environmentally sound fashion.

We should do the same in the Senate for the sake of the taxpayers, sound water policy and those tied to a project that will not deliver what was promised. However, even if we do not do the correct thing, the wise thing, let us make no mistake: The project as currently designed is dead, and we will impose far greater costs if we decide to

continue to make infrastructure investments in its future when it is never going to go anywhere.

The House has heard the voices of citizen groups and taxpayer groups, tribal members and environmentalists. The House is no longer going to support this bad idea. It is no longer a question of whether the project will die. It is now a question of how much money and time will be wasted in the end game. Yes, we could go back and forth for a few years with the House terminating funding and then the Senate restoring the money. That has happened before in other projects where we wasted money. But eventually, the House will resist, and ultimately—hopefully, sooner rather than later—so will the Senate. Meanwhile we will waste millions more of taxpayers' money.

That is why, Mr. President, it is time for us to step up now and put this matter on a positive track. Let us stop funding this project as currently designed and tell the Bureau of Reclamation to use the unobligated funds available in the Animas account to size the project to legitimate water needs and then explore all the alternatives to meeting those needs in an effective, environmentally sound and cost-efficient manner. Mr. President, to conclude, my amendment is identical to that which passed the House, and I strongly urge my colleagues to lend their support.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. DOMENICI. Did the Senator use all his time?

The PRESIDING OFFICER. The Senator has used all of his time.

Mr. DOMENICI. Mr. President, I have a couple of items I have to clean up before I take a few minutes in opposition. For Senator MACK, who is waiting, it will not be long. We will be through very soon.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, for purposes of timing, I yield myself 5 minutes in opposition.

Mr. President, before I start using that time, I say to the Senate, we are within a couple of minutes of completing the work on this bill. I understand that pursuant to the understanding, the next bill will be legislative appropriations. So we will not be long.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. Mr. President, I want to take 5 minutes to talk about the Animas LaPlata project. The occupant of the chair is very familiar with the fact that there are two issues—big, big issues—in this Animas LaPlata.

One issue is frequently forgotten when people talk about whether this project has earned its spurs in terms of costs to the taxpayer. Frequently, the only thing that is used is the dollars versus what physical improvements we will produce and what they mean in terms of a cost-benefit ratio. That is well and good. And we will say that cost-benefit ratio is not very high.

There is a second part to this bill. It is a very, very big part of this bill. We do not even know how many millions of dollars it would cost the Federal Government, but we know this: The U.S. Government is assumed and presumed by many to have violated the rights of two Indian tribes with reference to taking care of their water. The United States of America, as evidenced in other cases, can be liable in dollars for that when there is no other way to give to the Indian people what we had committed as a nation to do for them. In this case, that is frequently forgotten in terms of a justification for this project.

The Southern Utes and the Mountain Ute Tribes will have no remedy for the abuse of their water if this project is not completed, and thus we give them water, irrigatable land, and a way to use water that is available to them which would otherwise disappear because of malfeasance on the part of the U.S. Government.

Now, I, for one, have taken that very seriously, even though it is not totally applicable to my State, the State of New Mexico. Most of those claims and most of that water and most of the Indians represented by those two groups of Indians are in the State of Colorado, the State that the occupant of the chair represents in this body.

Speaking for my own State, so that it is clear, I know there is a letter from our attorney general, but let me say the cities of Farmington, Aztec, and Bloomfield all need the water provided in this project. All these communities are strongly committed to the projects. They committed resources to it to meet repayment obligations under the 1986 cost sharing.

In addition, the State of New Mexico is strongly committed to the project, as shown by the 1986 cost-sharing agreement for the project, to support for the Colorado Ute water rights settlement, allocation of consumptive use required for the project from New Mexico's apportionment on the Colorado River basin compact, and fourth, participation of the San Juan River recovery implementation program.

Having said that, obviously, there will be more said on this amendment and probably much more eloquently and in a more relevant matter by the distinguished occupant of the chair who has time reserved to make an argument against the amendment. I do not intend to spend any more time on it. I am ready to finish the bill and yield whatever time I might have had with reference to it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I have five amendments that I will submit en bloc. Let me quickly describe them and then submit them en bloc.

I offer one in behalf of Senator HUTCHISON regarding the abatement of payments because of drought on two projects in the State of Texas; one in behalf of Senator MCCONNELL, which has been totally worked out now with Senator GLENN, and that is Enrichment Corporation, with reference to the presence of an adequate number of security guards and a few other items relating to that; third, I offer in behalf of Senator CHAFEE a 50 percent match program on the Seekonk River, Rhode Island Bridge; the last one, two distinct amendments for Senator BOXER regarding the Bolinas Lagoon restoration study, and the other is regarding a facility on Compton Creek Channel in Los Angeles.

AMENDMENTS NOS. 5107 THROUGH 5111

Mr. DOMENICI. I send the amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], proposes amendments en bloc numbered 5107 through 5111.

Mr. DOMENICI. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments en bloc (No. 5107 through 5111) are as follows:

AMENDMENT NO. 5107

On page 37 add the following after line 25:

SEC. . CORPUS CHRISTI EMERGENCY DROUGHT RELIEF.

For the purpose of providing emergency drought relief, the Secretary of the Interior shall defer all principal and interest payments without penalty or accrued interest for a period of one year for the city of Corpus Christi, Texas, and the Nueces River Authority under contract No. 6-07-01-X0675 involving the Nueces River Reclamation Project, Texas.

SEC. 2. CANADIAN RIVER MUNICIPAL WATER AUTHORITY EMERGENCY DROUGHT RELIEF.

The Secretary shall defer all principal and interest payments without penalty or accrued interest for a period of one year for the Canadian River Municipal Water Authority

under contract No. 14-06-500-485 as emergency drought relief to enable construction of additional water supply and conveyance facilities.

AMENDMENT NO. 5108

On page 20 after line 2 add the following:

"Section 161k. of the Atomic Energy Act of 1954 (42 U.S.C. 2201k) with respect to the Paducah Gaseous Diffusion Plant, Kentucky, and the Portsmouth Gaseous Diffusion Plant, Ohio, the guidelines shall require, at a minimum, the presence of an adequate number of security guards carrying side arms at all times to ensure maintenance of security at the gaseous diffusion plants;"

Section 311(b) of the USEC Privatization Act (Public Law 104-134, title III, chapter 1, subchapter A) insert the following:

"(3) The Corporation shall pay to the Thrift Savings Fund such employee and agency contributions as are required or authorized by sections 8432 and 8351 of title 5, United States Code, for employees who elect to retain their coverage under CSRS or FERS pursuant to paragraph (1)."

Mr. MCCONNELL. Mr. President, I am pleased to offer this amendment to protect the safety of employees at the Paducah Gaseous Diffusion Plant, as well as the safety of the greater Paducah community.

The Paducah Gaseous Diffusion Plant produces enriched uranium and employs some 1,800 people. By all who live in the Paducah area, the Gaseous Diffusion Plant, which occupies more than 3,400 acres, is regarded as a nuclear plant. This year, the plant is undergoing a transition from being a Department of Energy owned and operated facility to one owned by the U.S. Enrichment Corporation and operated by private contract. The plant will be under the regulatory authority of the Nuclear Regulatory Commission by year's end.

Historically, the Paducah Gaseous Diffusion Plant has maintained an onpremises security force to protect the plant and employees from sabotage, theft or unauthorized control of the nuclear material. The security personnel are currently authorized to make arrests, and they carry firearms in support of their mission. In the past several years, these plant security officers have foiled a number of unauthorized entries onto plant premises, protected the facility from disgruntled former employees and enforced security rules against contract employees who have access to the plant. In an era of domestic terrorism, as in the World Trade Center and Oklahoma City bombings, these security employees perform an increasingly vital function.

In the transition from DOE to NRC supervision, the security force currently employed at the Paducah Gaseous Diffusion Plant, absent adoption of this amendment, will be downgraded. under current NRC regulations, they will lose their authority to make arrests and carry firearms. But privatization does not change the nature of the work or the risk at the Paducah Gaseous Diffusion Plant. The plant will continue to produce radioactive enriched uranium.

The amendment simply continues the authority of the plant security personnel at enriched uranium facilities to execute arrests and carry firearms. Without this authority for the security officers at the plant, the plant will have to rely on area law enforcement officials to respond in emergency situations. The city of Paducah has informed plant officials that their response time for their police and firefighters will be approximately 20 minutes. The Kentucky State Police has a special response team which would assist the Paducah facility in the event of a threat to public safety. That special response team is located in Frankfort, halfway across the State from Paducah and it would take 4 hours to have a helicopter respond to an emergency at the Paducah plant. The McCracken County Sheriff's Department has expressed serious concern at the prospect of the security force losing its arrest authority. McCracken County Sheriff Frank Augustus has advised the U.S. Enrichment Corporation of the problems his department would encounter in responding to an emergency call by the Paducah plant:

If a hostile situation should occur, I could not guarantee adequate personnel or response time due to our department's manpower shortage. When only seconds matter I am very much afraid it would take many minutes to adequately respond.

I ask unanimous consent that the letter of Sheriff Augustus be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SHERIFF OF MCCRACKEN COUNTY,
Paducah, KY, July 10, 1996.

BERN STAPLETON,
Safeguard and Security Associate, U.S. Enrichment Corp., Bethesda, MD.

DEAR MR. STAPLETON: It has recently been brought to my attention that Security personnel at the Paducah Gaseous Diffusion Plant may possibly lose their arrest authority and their ability to be armed. This issue causes me a great deal of concern.

I understand the police operation of the Paducah Gaseous Diffusion Plant is responsible for the protection of classified material, sensitive nuclear material, government property, and over 2,200 employees situated on 3,423 acres, including 748 acres of fenced area. In contrast, the McCracken County Sheriff's department is responsible for patrolling over 250 square miles in order to meet the needs of our County's citizens. Since I took office in 1994, citizens' calls for law enforcement have increased by 23,000 calls. Crime is on the rise in McCracken County and due to financial constraints, my department has only 17 full-time road deputies to handle these increases.

I am extremely concerned that if a major problem should arise at the Paducah Gaseous Diffusion Plant it would be extremely difficult for my department to provide proper security for such a sizable site until more enforcement could arrive. If a hostile situation should occur, I could not guarantee adequate personnel or response time due to our department's manpower shortage. When only seconds matter I am very much afraid it would take many minutes to adequately respond.

Another issue that must be addressed is our officers' lack of knowledge in regard to the actual facility and surrounding grounds. As noted above, the immense size of this facility poses many problems in regard to providing adequate safety to plant employees as well as my deputies.

In my opinion, the current security staff is of immense value to the safety of the plant facility and the employees that work within. I fully understand the move toward privatization necessitates many changes in operations that have been in place for many years. I would like to strongly recommend, however, that a long serious look be taken at proposed changes in the security force at the Paducah Plant before a final decision is made. I am sure that your utmost concern, as well as it is mine, is for the safety of the people of McCracken County as well as the safekeeping of the Plant, whether it remains a government facility or is privatized in the future.

I would be more than happy to discuss this matter with you in more detail at your convenience. Please feel free to call me.

Very truly yours,

FRANK AUGUSTUS,
McCracken County Sheriff.

Mr. MCCONNELL. The bottom line, Mr. President, is that the employees of the Gaseous Diffusion Plant, as well as the residents of Paducah are entitled to an immediate response to an emergency situation. While the security force may need assistance in the event of a serious threat, the employees should not be left unprotected while local law enforcement responds.

This amendment does not add any additional security protection to the Paducah Gaseous Diffusion Plant; it maintains the status quo, allowing the current security officers to continue doing their job, protecting the plant and employees from danger. I urge the adoption of my amendment.

AMENDMENT NO. 5109

On page 5 add the following between lines 2 and 3: "Seekonk River, Rhode Island bridge removal $650,000;".

AMENDMENT NO. 5110

(Purpose: To provide funding for the Secretary of the Army to maintain Compton Creek Channel, Los Angeles County drainage area, California)

On page 7, line 6, after "facilities", insert the following: ", and of which $500,000 shall be made available for the maintenance of Compton Creek Channel, Los Angeles County drainage area, California".

AMENDMENT NO. 5111

(Purpose: To provide funding for the Secretary of the Army to carry out the restoration study for Bolinas Lagoon, Marin County, California)

On page 2, between lines 24 and 25, insert the following: "Bolinas Lagoon restoration study, Marin County, California, $500,000;".

Mr. DOMENICI. For the record, let me state these have all been approved by the minority. They have no objection, or, in some instances, they were the supportive cause for a couple of the amendments.

The PRESIDING OFFICER. Without objection, the amendments en bloc are agreed to.

The amendments (Nos. 5107 through 5111) en bloc were agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I believe that is all the amendments I know of regarding this energy and water bill. I believe we can announce in the morning further amplification of the record, but I think we know we will start with 20 minutes of debate by the managers, to be followed by 10 minutes by Senator MCCAIN regarding the McCain amendment, and then there is a list of amendments that would follow with time limits, and 2 minutes for each side.

We have four or five amendments pending that have not been agreed to in that sequence, and we will just have to attend to those in due course in the morning.

I yield the floor. I thank the Senate for its consideration.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997

Mr. MACK. Mr. President, I ask unanimous consent the Senate now turn to the consideration of the legislative appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 3754), making appropriations for the Legislative Branch for the fiscal year ending September 30, 1997, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Mr. President, I am pleased to present the fiscal year 1997 legislative branch appropriations bill to the Senate. The subcommittee builds upon the success that the Congress achieved last year in reducing the size and the cost of the legislative branch, and again demonstrates this Congress' leadership in making strides toward the imperative of a balanced budget.

The subcommittee's recommendation is an appropriation of $2,165,081,000. This is a reduction of $22.275 million, or approximately 1 percent below the program levels in fiscal year 1996. The bill is $174 million below the requested amount, and compared to fiscal 1995, the bill reflects a $225 million reduction.

While the legislative branch bill is the smallest in terms of dollars appropriated, with the adoption of this bill, we will have contributed nearly one-half billion dollars toward deficit reduction in just 2 fiscal years.

The recommended funding for the Senate is $441.208 million, approximately $14 million above the 1996 enacted amount. However, the amount is $48 million below the request.

In large part, the increases reflected in the bill are for cost of living adjustments for Senate employees and expenses for the Sergeant at Arms. I point out that Senate employees did not receive the 1996 COLA that was granted to other Federal employees.

Specifically, the Senate's amendment to the bill provides $208 million for Senators' official personnel and office expense account. This amount is a 2 percent increase from last year's level. The increase is sufficient to accommodate an expected cost-of-living adjustment for Senate employees in the 1997 calendar year. The recommended funding for committees is $69.5 million, a $3 million increase, again, for cost-of-living adjustments.

For the official mail cost, the funding is reduced by 9 percent. The recommended funding of $10 million is sufficient, however, to cover projected costs for fiscal year 1997. Again, Mr. President, I just say that while this is a reduction from $11 million last year to $10 million last year, in analyzing the trends and expenditures for mail, we believe we can make this reduction without requiring the Senators to make any reduction in their mailing. As you know, last year, we eliminated mass mailing. So we are talking about mail now that is primarily for the purpose of responding to inquiries from our constituents.

Funding for salaries and expenses of the Secretary of the Senate is $14.225 million. That is an increase of $831,000. Funding for salaries and expenses of Sergeant at Arms is $99.968 million. That is an increase of $8.880 million. I bring my colleagues' attention to the fact that combined funding recommendations for the Secretary and the Sergeant at Arms fiscal year 1997 are still $8 million below the 1995 enacted levels.

The subcommittee appreciates the leadership demonstrated by the Secretary of the Senate and the Sergeant at Arms. Each office is managing a substantial reduction this is fiscal year along with the compounded challenges rendered by the Congressional Accountability Act. I remind Members that, last year, we made reductions in the accounts of the Sergeant at Arms and Secretary of the Senate of between 12.5 and 14 percent. While they have been managing these reduced amounts, they have also been given an additional responsibility as a result of the Congressional Accountability Act.

During the subcommittee hearings, the Secretary and Sergeant at Arms outlined a series of initiatives regarding technology. The subcommittee is pleased that under the direction of the Senate Rules Committee, the Senate is taking a long-term strategic planning approach in this area. The subcommittee looks forward to working with the Rules Committee on this issue of common concern.

In addition, the subcommittee wishes to thank each of the legislative branch agencies for their cooperation and contributions in the development of this year's bill. On a special note, the subcommittee commends the General Accounting Office for its successful management of a 2-year, 25-percent reduction in its budget. Managing a funding reduction of such magnitude in a relatively short period has been very difficult, and the subcommittee wishes to commend the Comptroller General and the entire staff at GAO for an outstanding job.

We had quite a discussion at our hearing with the Comptroller General as to the approach that was taken to downsize this Government agency 25 percent in a 2-year period. That is a substantial reduction. I would recommend to my colleagues that we ought to look at how the GAO went about this process of managing over a 2-year period a reduction of 25 percent in its budget, because they did it extremely well. They did it with a great deal of thought. They found ways to use technologies of today to make their operations more effective and efficient. Again, I think it is a case study in the way to manage the downsizing of a Government agency. I encourage everybody to look at what they have done and what they have accomplished.

I will now yield to Senator MURRAY for any comments she wishes to make. I thank her and each member of the subcommittee for their hard work and cooperation in crafting this bill. Again, I want to say to Senator MURRAY that I appreciate very much the way we have, during the past 2 years, been able to work together in, I think, crafting two appropriations bills that the Senate can be proud of, and should again be used as an example. Frankly, it was in my mind that we should set an example for the rest of Government. If we are going to ask people to spend less and do with less, I think, again, our taking the lead in doing that is setting a good example.

I now yield to Senator MURRAY for her comments.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise in support of H.R. 3754, the fiscal year 1997 legislative branch appropriation bill. The bill as reported by the full committee is a fair and responsible bill.

As Members will recall, this committee took a bold step last year in recommending a bill that cut spending for the departments and agencies funded in the legislative branch appropriations bill by $200 million, or 10 percent. This year, again, we have continued the effort to reduce the funding levels and

streamline the operations of Congress by recommending a bill that cuts a net of over $22 million from the 1996 enacted level. At the proposed funding level contained in this measure, the Legislative Branch, in total, will have less funding than in fiscal year 1991 or 6 years ago.

The major reductions recommended by the committee involve the support agencies that are so vital to the Congress in order to enable us to complete our work in an effective and expeditious manner. The committee this year saves $6.1 million below fiscal year 1996 as a result of the elimination of the Office of Technology Assessment. I did not personally support that elimination but, nevertheless, it has been accomplished and we are saving $6.1 million this year because of OTA's elimination.

Another major reduction in this year's bill is the cut to the General Accounting Office. Their budget is reduced by $44,381,000 below fiscal year 1996. Testimony by the Comptroller General, Mr. Bowsher, made clear that the GAO can undertake this reduction as part of their overall, 2-year 25 percent commitment made to the Congress last year. The amount appropriated for fiscal year 1997 for the GAO is $338,425,000 and will provide for a personnel ceiling of no more than 3,500 positions. This personnel ceiling amounts to a reduction of 1,825 below the level of GAO's workforce in 1992 when they had a ceiling of 5,325 positions.

As Senators can see, the reductions the committee is recommending this year are dramatic. However, Mr. President, I believe that the committee has accomplished these savings in a way that is as fair and even-handed as possible. We have been careful to ensure that the organizations and agencies which support Congress and are funded in the legislative branch appropriation bill are able to carry out their responsibilities under these reduced budgets as effectively as they have in the past.

I would have adamantly opposed these budget cuts if they were undertaken only to save dollars, without recognizing any negative consequences. It would be fruitless, for example to reduce the budget of the Congressional Budget Office with their ever-increasing responsibilities simply for the sake of saying we have achieved budgetary savings.

With this in mind, I carefully reviewed the testimony of our witnesses for any indication that cuts of the magnitude we have recommended would harm the ability of these Congressional-support agencies to carry out their very important responsibilities. Testimony received by the subcommittee indicated that these recommended savings can be achieved while allowing these support agencies to carry out these responsibilities with no reductions-in-force.

Mr. President, Senator MACK provided members with a detailed explanation of all of the recommendations contained in the bill, and I will not take the time of Members by repeating them. I would, however, call to the attention of Members Section 5 of the administrative provisions. I included, with the enthusiastic support of Chairman MACK, language that will enable the Sergeant at Arms to transfer excess or surplus computer equipment to schools.

In the past, the Senate sold its computers to employees at bargain prices. Fortunately, this practice has been terminated, and I commend the Sergeant at Arms for doing so. For the past couple of years, our computers have simply been transferred to GSA for disposal through the normal surplus process.

I think Senators should be aware that the Senate disposes of over 1500 computers every year. Over the past 3 years, nearly 5,000 computers have been let go. For the most part, these are IBM-compatible, 386, 16-megahertz machines. They are a generation old, but they could be very useful to schools, especially in rural areas, that may not have a big budget to buy fancy new computers.

I am fortunate to represent Washington State, which is very aggressive in trying to put computers in the classroom. Our companies have been generous in donating software and hardware, and people are excited about giving kids skills that will help them get an edge in life.

But not every school district is moving aggressively on computers. Many do not even know how to go about it, and cannot afford it. I am certain that every Senator is aware of how fast technology is evolving in our economy. I really believe that, in the future, a child's ability to compete in the work force will be measured in part by his or her familiarity with computers. In my view, the earlier they start, the better.

The Senate will debate the broad role of government in education technology, and I look forward to having that debate. For now there is a small, and I think constructive, role for the Senate to play. We can use the bully pulpit. We can lead by example. We can help school children by transferring our computers to schools that want or need them. By doing this, we can help some kids, and we can show the country we think bringing technology to the classroom is a high priority.

Here is how it will work: the Sergeant at Arms will make sure that any excess or surplus computers are in good working order. Then he will make them available to interested schools at the lowest possible cost to both the Senate and the schools. Most likely, he will transfer these computers to the General Services Administration. GSA, in turn, will provide information to schools through its regional offices about available inventory. The equipment eligible for transfer will include computers, keyboards, monitors, printers, modems, and other peripheral hardware as described in the bill.

I envision schools being able to obtain this equipment on a first-come, first-served basis, for the cost of shipping and handling from GSA regional offices. The language provides the Sergeant at Arms with flexibility to determine the best way to complete the transfers.

I think this is a useful change in policy. Again, I appreciate the help of Chairman MACK on this, and I look forward to working with him and the Sergeant at Arms to make this work.

Finally, Mr. President, I would point out that there is a provision included in the House-passed bill—Section 312—that was stricken pursuant to a motion by Senator HATFIELD during full committee markup. That section deals with so-called "dynamic" scoring of certain measures. Although this provision would apply to House measures only and, therefore, would normally not be stricken by the Senate in view of the comity between the Houses that is traditionally recognized, in this instance there is a Budget Act point of order under Section 306 which would lie against Section 312 and that was the basis upon which the committee chairman moved to strike the provision.

I strongly oppose Section 312 on its merits. I do not believe that either branch of Congress should be dictating selective macroeconomic scorekeeping procedures upon either the Congressional Budget Office or the Joint Committee on Taxation. I will have more to say on this later during debate on this bill should any attempt be made to revive Section 312 or anything similar to it.

On balance, Mr. President, I believe this is a good bill that deserves the support of Members. I would hasten to add, however, that I share the concerns expressed by Senator REID, a former chairman of this subcommittee, during the committee's markup of the legislative branch appropriation bill. Senator REID stated that we have reached the bottom of the barrel in cutting the legislative branch appropriation bill. Once the savings we have undertaken are accomplished in the Congressional-support agencies over a multi-year period, we cannot look to these agencies for further budget cuts. These agencies have been very forthcoming and have understood our need to reduce spending for the Legislative Branch, and I am deeply appreciative of their willingness to do so. But, Mr. President, we have indeed reached the bottom of the barrel.

Mr. President, let me close by commending our subcommittee chairman, Senator MACK. He has proven himself to be a real leader on legislative branch

issues and has worked with me on a bipartisan basis. I appreciate it very much. I also wish to express my thanks to the subcommittee staff—Keith Kennedy, Jim English, and Mary Dewald for their fine work, and also to recognize the excellent support we had from Ric Ilgenfritz of my staff and Larry Harris for Senator MACK.

Mr. President, I urge the support of all Members for this bill.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida [Mr. MACK], is recognized.

AMENDMENTS NOS. 5112, 5113, 5114, 5115, 5116, AND 5117 EN BLOC

Mr. MACK. Mr. President, I send a series of amendments to the desk and ask for their consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. MACK] proposes amendments numbered 5112, 5113, 5114, 5115, 5116, and 5117 en bloc.

Mr. MACK. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments en bloc are as follows:

AMENDMENT NO. 5112

On page 34 line 20, strike all after the word "Act" through line 21 and insert: "such sums as may be necessary for each of the fiscal years 1997 and 1998."

Mr. HATFIELD: Mr. President, this amendment would provide for the reauthorization of the American Folklife Center at the Library of Congress for fiscal years 1997 and 1998. It is a substitute for the permanent reauthorization reported by the committee. I am offering this amendment after conversations with Representative THOMAS, the chairman of the Committee on Oversight in the other body. I understand Chairman THOMAS' concerns about the proper role of the authorization committees and am willing to respond to his concerns at this time. I hope, however, that the next Congress will enact a permanent authorization for the center.

The American Folklife Center in the Library of Congress was created 20 years ago by passage of the American Folklife Preservation Act of 1976. I was pleased to be a cosponsor of the legislation, which enjoyed broad bicameral and bipartisan support. The legislation was endorsed by Senators STROM THURMOND and Hubert Humphrey, and by Representative DAVID OBEY and then-Representative TRENT LOTT. The support was so broad because the legislation had such obvious merit.

The Library was chosen as the site of the Center for several reasons, but principal among them was the strength of the Library's folklife collections. It is not too great a stretch to say that those collections began at the beginning, when Thomas Jefferson's library was purchased for the Library of Congress. Jefferson's library included significant material about Native Americans, and, of course, the information collected during the expedition of Merriwether Lewis and William Clark.

Now as then, one has to collect folklife. No one stands with pad and pencil, recording the lives of workaday Americans. What tends to be automatically recorded is what we at first think very important: the coming and going of the elite or infamous, the domestic affairs of the King or President, the fads that engross the rich and famous, the history of battles as told by generals. But sometimes the foot soldier has a better story than the general. The diary kept by Samuel Pepys in the 1660s is important today because Mr. Pepys went about London and recorded what he saw. He told about the great fire and the coming of the Black Death and seeing the first Punch and Judy show. His record of London is far more interesting than the ones kept by historians engrossed in the intrigues and peccadilloes that swirled around Charles the Second.

I believe all of us understand, Mr. President, that the strength of our Nation proceeds from its smaller places; from small towns in Missouri and Oregon, from short streets in Brooklyn and Omaha. We know that it is in the forms of learning transmitted in families, small communities, the workplace, and in ethnic groups that we develop the strength of our families, our communities, and our culture. And we know that the makers of our culture in the smaller places do not bring their primary documents to the Library of Congress. They are not invited to elegant dinners in the great hall of the Jefferson building, or courted in fundraising drives. Theirs is at least as great a contribution as the millions raised for other efforts, but it cannot be measured in dollars. It is the Center's great achievement, and ongoing strength, that it recognizes the value of the everyday, and gives it a home where it can be cherished as it deserves to be.

It is very important, Mr. President, that the present structure of the Center be maintained. It is important to have a Board of Trustees selected from all over the Nation and appointed by the Joint leadership of Congress. They bring to the Center a diversity of outlook and purpose that cannot be replicated by the best-intentioned professionals of the Library's career staff. It is important to have this be a Center for folklife, and not just another division within the many divisions of the Library. We could have taken that route in writing the original enabling legislation, but we were trying to raise up the center out of the other collections of the Library to be a beacon to the folklife community across the country. That beacon must be maintained. If it cannot be maintained at the Library of Congress, then it should be moved and sustained elsewhere. I believe the Library is the best home for the Center, but it must get the support expected in a good home.

Mr. President, I hope that ups and downs of the center's authorization in this Congress will serve as a wake-up call from the center's board and the center's supporters. I hope the board will be more attentive to the concerns of the Congressional committees which oversee the Library's operations. I hope the board will work hard to supplement federal funding with private fundraising efforts. I hope the national folklife community will work with the proper authorizing committees to achieve a permanent reauthorization for the center. And I hope that the Library of Congress budget for, and the Congress will provide, funding sufficient to the center's task.

Mr. President, I thank Senator MACK for his cooperation and support in this matter, and I yield the floor.

AMENDMENT NO. 5113

On page 8, after line 17 insert:

SEC. 7. (a) Notwithstanding section 1345 of title 31, United States Code, the Secretary of the Senate may reimburse any individual employed by the Senate day care center for the cost of training classes and conferences in connection with the provision of child care services and for travel, transportation, and subsistence expenses incurred in connection with the training classes and conferences.

(b) The Senate day care center shall certify and provide appropriate documentation to the Secretary of the Senate with respect to any reimbursement under this section. Reimbursements under this section shall be made from the appropriations account "MISCELLANEOUS ITEMS" within the contingent fund of the Senate on vouchers approved by the Secretary of the Senate.

(c) Reimbursements under this section shall be subject to the regulations and limitations prescribed by the Committee on Rules and Administration of the Senate for travel and related expenses for which payment is authorized to be made from the contingent fund of the Senate.

(d) This section shall be effective on and after October 1, 1996.

AMENDMENT NO. 5114

On page 8, after line 17 insert:

SEC. 6. Notwithstanding any other provision of law, any funds received during fiscal year 1996 by the Sergeant at Arms and Doorkeeper of the Senate in settlement of a contract claim or dispute, but not to exceed $1,450,000, shall be deposited into the appropriation account for fiscal year 1997 for the Sergeant at Arms and Doorkeeper of the Senate within the contingent fund of the Senate and shall be available in a like manner and for the same purposes as are the other funds in that account.

AMENDMENT NO. 5115

(Purpose: To authorize a legislative information system for the Senate)

On page 8, between lines 17 and 18, insert the following:

SEC. . (a) The Secretary of the Senate, with the oversight and approval of the Committee on Rules and Administration of the Senate, shall oversee the development and implementation of a comprehensive Senate legislative information system.

(b) In carrying out this section, the Secretary of the Senate shall consult and work with officers and employees of the House of Representatives. Legislative branch agencies and departments and agencies of the executive branch shall provide cooperation, consultation, and assistance as requested by the Secretary of the Senate to carry out this section.

(c) Any funds that were appropriated under the heading "Secretary of the Senate" for expanses of the Office of the Secretary of the Senate by the Legislative Branch Appropriations Act, 1995, to remain available until September 30, 1998, and the Secretary determines are not needed for development of a financial management system for the Senate may, with the approval of the Committee on Appropriations of the Senate be used to carry out the provisions of this section, and such funds shall be available through September 30, 2000.

(d) The Committee on Rules and Administration of the Senate may prescribe such regulations as may be necessary to carry out the provisions of this section.

(e) This section shall be effective for fiscal years beginning on or after October 1, 1996.

Mr. MACK. I am proposing an amendment on an important matter to the Senate. I am speaking of the quality and the cost of its legislative information systems. Two years ago, this committee requested from the Library of Congress an analysis of the duplication among the legislative systems supported by the Congress. That study documented that there is extensive overlap in these systems and that there are opportunities for reducing that duplication. We then directed the Library to prepare a plan for creating a single integrated information system that would serve the entire Congress.

The committee received that report in February of this year. The plan gives us a useful framework for building a new, coordinated legislative information system that will better assist the Members of Congress to carry out their legislative duties. The plan recognizes that there are various independent responsibilities for legislative information within the Congress and proposes a technical scheme that takes advantage of this fact. The new system will therefore require the active support of all of the offices and agencies within the legislative branch that assist the Senate and the House in this critical area.

In our commitment to the American people to reduce the size of the Government, this committee has been reluctant to recommend significant additional resources for any of the Congress' offices and agencies. We are not providing any additional funds for this legislative system, although we will allow the Secretary of the Senate, at his request, to reprogram some funds to support the Senate's need to modernize the collection and preparation of its legislative information. We do expect all legislative branch offices and agencies to support fully this very important initiative with their existing appropriated funds, which we believe are sufficient.

This is a challenging task, and will require appropriate policies, guidelines, and oversight. We hope that the House of Representatives will join us in this task. If they do not, however, we shall proceed in the Senate nonetheless. Even without the participation of the House, the Senate can and must improve its own system and begin to reduce the duplication that currently exists.

This amendment was prepared in consultation with the Committee on Rules and Administration. With this amendment, we are taking the next steps in creating a new legislative information system for the Senate by designating some of those responsibilities for this system now, specifically for the Secretary of the Senate, the Congressional Research Service, and the Library of Congress. The Committee on Rules and Administration has jurisdiction for this system and will be making other designations of responsibility as the system progresses.

I am pleased that the distinguished chairman of our Committee on Rules and Administration shares our views on the importance of these matters, and that his committee is prepared to oversee the development of the Senate's new legislative system.

AMENDMENT NO. 5116

On page 8, after line 17 insert:

SEC. 8. PAYMENT FOR UNACCRUED LEAVE.

(a) IN GENERAL.—The Financial Clerk of the Senate is authorized to accept from an individual whose pay is disbursed by the Secretary of the Senate a payment representing pay for any period of unaccrued annual leave used by that individual, as certified by the head of the employing office of the individual making the payment.

(b) WITHHOLDING.—The Financial Clerk of the Senate is authorized to withhold the amount referred to in subsection (a) from any amount which is disbursed by the Secretary of the Senate and which is due to or on behalf of the individual described in subsection (a).

(c) DEPOSIT.—Any payment accepted under this section shall be deposited in the general fund of Treasury as miscellaneous receipts.

(d) DEFINITION.—As used in this section, the term "head of the employing office" means any person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an individual whose pay is disbursed by the Secretary of the Senate.

(e) APPLICABILITY.—The section shall apply to fiscal year 1996 and each fiscal year thereafter.

AMENDMENT NO. 5117

(Purpose: To direct the Congressional Research Service to develop an electronic congressional legislative information and document retrieval system)

At the appropriate place in the bill, insert the following:

SEC. . (a) The Congressional Research Service, in consultation with the Secretary of the Senate and the heads of the appropriate offices and agencies of the legislative branch and with the approval of the Committee on Rules and Administration of the Senate, shall coordinate the development of an electronic congressional legislative information and document retrieval system to provide for the legislative information needs of the Senate through the exchange and retrieval of information and documents among legislative branch offices and agencies. The Secretary of the Senate, with the oversight and approval of the Committee on Rules and Administration of the Senate, shall have responsibility for the implementation of this system in the Senate. All of the appropriate offices and agencies of the legislative branch shall participate in the implementation of the system.

(b) As used in this section—

(1) the term "legislative information" refers to that information and those documents produced for the use of the Congress by the offices and agencies of the legislative branch as defined in this section, and such other information and documents as approved by the Committee on Rules and Administration of the Senate;

(2) the term "offices and agencies of the legislative branch" means the Office of the Secretary of the Senate, the Office of Legislative Counsel of the Senate, the Office of the Architect of the Capitol, the General Accounting Office, the Government Printing Office, the Library of Congress, the Congressional Budget Office, and the Sergeant at Arms of the Senate; and

(3) the term "retrieval system" means the indexing of documents and data, as well as integrating, searching, linking, and displaying documents and data.

(c) The Library of Congress shall—

(1) assist the Congressional Research Service in supporting the Senate in carrying out this section; and

(2) provide such technical staff and resources as may be necessary to carry out this section.

Mr. WARNER. Mr. President, let me first commend the chairman of the Subcommittee on Legislative Branch for his foresight in initiating this effort to improve our legislative information systems. When I became chairman of the Committee on Rules and Administration I began a review of our entire program for information technology. This is a rapidly changing, and very expensive area for the Senate. Yet it is vital to all the operations of the Senate, from the way we pay our bills to the way we prepare, debate, and pass—or reject—legisation. It is critical, therefore, that we have sound planning for, and careful implementation of information technologies that will adequately support our fundamental work of legislation and oversight. Because of the potential high cost of technology, and also its ability to support our work, I can think of very few areas that require such close scrutiny, wellthought out policies, and effective management Achieving these objectives has been one of my highest priorities since being appointed Chair.

We have in the Senate now an historic opportunity to reduce duplication

and to ensure that our use of technology to support our legislative process is both responsive to the needs of Senators and also cost effective. The Committee on Rules has taken a number of important steps to accomplish this, and we are planning to take more in the near future. I have already noted our strategic review process, which will continue under my chairmanship. In addition, we have directed the Secretary of the Senate, in coordination with the Clerk of the House, to establish standards for the exchange of legislative information between the two Chambers. The Secretary has done this, and, I am pleased to report, is well launched on a plan for implementing these standards. In addition, the committee and the Secretary are about to let a contract that will provide the Senate with options for the design of a system that will enable us to collect and prepare our legislative information on a much more efficient basis. You will recall that many of our systems were developed over 20 years ago, and while they have served us well, few would disagree that we can do much better with the technology that is available to us today. The result will be that Members and staff of the Senate will have legislative information that is more accurate, more timely, and more comprehensive, every day, directly at their desktops. While this program will take several years to complete fully, we will be able to benefit immediately as each new component becomes available.

This program will require a long and sustained effort by many people and many legislative branch organziations, without additional resources. It will require the establishment of priorities and good management to ensure these priorities are met. Through this amendment we are designating the Secretary of the Senate, who has the primary responsibility for the Senate's legislative information, to provide overall management of this system. We are also directing the Congressional Research Service, which understands the legislative research needs of the Congress, to coordinate with the Committee and the Secretary the development of the retrieval portion of the system. Additionally, we have directed the Library of Congress, with its expertise in the development of information systems, to provide sufficient staff and technical support to assist CRS in building this retrieval component. We will need and expect the cooperation and support of the other legislative branch agencies, including the GPO, and the GAO and CBO, both of whose reports we will want to include in the system. And, of course, we will continue to rely upon our own excellent staff in the Senate Computer Center and the Telecommunications Office in the creation of this system.

Mr. President, when this initiative is complete, we in the Senate will have a new, more efficient, and far more useful legislative information system that will serve the needs of Members and committees. It will be based on standards that allow us to update it regularly and as needed. And it will last us well into the next century. It will be of a quality that is commensurate with our constitutional responsibilities, and it will aid us greatly as we strive to serve the citizens of this great country.

Mr. MACK. Mr. President, the first of the amendments is offered on behalf of Senator HATFIELD.

It amends language reported by the committee to provide for a 2-year reauthorization for the American Folklife Center in the Library of Congress.

The second amendment extends certain provisions of Federal law to employees of the Senate for the Employees Child Care Center.

The third amendment provides for the deposit of a contract termination payment to credit the expenses of the Sergeant at Arms.

The fourth amendment authorizes and directs the Secretary of the Senate to oversee the development and implementation of a legislative information system for the Senate.

Funds for that initiative may be derived from funds previously appropriated for a new financial management system for the Senate with the approval of the Committee on Appropriations.

The fifth amendment brought to us today by the Disbursing Office authorizes the Financial Clerk of the Senate to receive payments for unaccrued annual leave for individuals whose pay is disbursed by the Senate and deposit those payments in the General Fund of the Treasury as a miscellaneous receipt.

And, finally, the sixth amendment recommended to us by the Committee on Rules and Administration addresses the creation of a legislative branch-wide legislative information system.

Mr. President, all of these amendments have been discussed with Senator MURRAY. I believe she has no objection. Therefore, I would ask that these six amendments be agreed to en bloc.

Mrs. MURRAY. Mr. President, we have had time to review all of these amendments. There is no objection.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 5112, 5113, 5114, 5115, 5116, and 5117) were agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. MACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5118

(Purpose: To clarify the uses of Member weblinks)

Mrs. MURRAY. Mr. President, at this time I would like to send an amendment to the desk on behalf of Senator LEAHY.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington (Mrs. MURRAY), for Mr. LEAHY, proposes an amendment numbered 5118.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. For the purposes of the United States Senate Internet Services Usage Rules and Policies, Members of the Senate may post a link on Senate Internet Services to a private, public, or nonprofit company, organization, or municipality located or based in the Member's State if a disclaimer is included on the same page as the link specifying that the Member is not endorsing the private, public, or nonprofit company, organization, or municipality.

Mr. MACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I ask unanimous consent that the amendment just sent to the desk be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 5119

(Purpose: To amend chapter 1 of title 17, United States Code, to provide for a limitation on the exclusive copyrights of literary works produced or distributed in specialized formats for use by blind or disabled persons, and for other purposes)

Mr. CHAFEE. Mr. President, on behalf of myself, and Senators FRAHM, STEVENS, LEAHY, MCCONNELL, and BINGAMAN, I send a printed amendment to the desk. At the proper time I will ask that it be set aside.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island (Mr. CHAFEE), for himself, Mrs. FRAHM, Mr. STEVENS, Mr. LEAHY, Mr. MCCONNELL, and Mr. BINGAMAN, proposes an amendment numbered 5119.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following new section:

SEC. . LIMITATION ON EXCLUSIVE COPYRIGHTS FOR LITERARY WORKS IN SPECIALIZED FORMAT FOR THE BLIND AND DISABLED.

(a) IN GENERAL.—Chapter 1 of title 17, United States Code, is amended by adding after section 120 the following new section:

"§ 121. Limitations on exclusive rights: reproduction for blind or other people with disabilities

"(a) Notwithstanding the provisions of sections 106 and 710, it is not an infringement of copyright for an authorized entity to reproduce or to distribute copies or phonorecords of a previously published, nondramatic literary work if such copies or phonorecords are reproduced or distributed in specialized formats exclusively for use by blind or other persons with disabilities.

"(b)(1) Copies or phonorecords to which this section applies shall—

"(A) not be reproduced or distributed in a format other than a specialized format exclusively for use by blind or other persons with disabilities;

"(B) bear a notice that any further reproduction or distribution in a format other than a specialized format is an infringement; and

"(C) include a copyright notice identifying the copyright owner and the date of the original publication.

"(2) The provisions of this section shall not apply to standardized, secure, or norm-referenced tests and related testing material, or to computer programs, except the portions thereof that are in conventional human language (including descriptions of pictorial works) and displayed to users in the ordinary course of using the computer programs.

"(c) For purposes of this section, the term—

"(1) 'authorized entity' means a nonprofit organization or a governmental agency that has a primary mission to provide specialized services relating to training, education, or adaptive reading or information access needs of blind or other persons with disabilities;

"(2) 'blind or other persons with disabilities' means individuals who are eligible or who may qualify in accordance with the Act entitled "An Act to provide books for the adult blind", approved March 3, 1931 (2 U.S.C. 135a; 46 Stat. 1487) to receive books and other publications produced in specialized formats; and

"(3) 'specialized formats' means braille, audio, or digital text which is exclusively for use by blind or other persons with disabilities.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 17, United States Code, is amended by adding after the item relating to section 120 the following:

"121. Limitations on exclusive rights: reproduction for blind or other people with disabilities.".

Mr. CHAFEE. Mr. President, this is an amendment that I am offering on behalf of myself and those Senators that I just listed.

This amendment is supported by the Association of American Publishers, the National Federation of the Blind, the American Foundation for the Blind, the American Printing House for the Blind, Recording for the Blind and Dyslexic, and the U.S. Copyright Office.

It also has the support of the chairman of the Judiciary Committee, and we are waiting for approval by the ranking member of the Judiciary Committee before proceeding.

Mr. President, the amendment I am proposing along with those Senators I mentioned is an amendment to the legislative branch appropriations bill regarding books for the blind.

In 1931, the Library of Congress National Library Service for the Blind and Physically Handicapped was established by an act of Congress. Since then, funding for this immensely valuable program has been included in the legislative branch bill, which, of course, funds the Library of Congress. The National Library Service and a handful of nonprofit organizations reproduce in specialized formats published material that is readily available to sighted individuals in libraries, bookstores, newsstands and countless other locations.

Specialized formats refers to braille, sound recordings—either on cassette or phonorecord—and new digital formats that can be used for special software. To make certain that recorded books and magazines are only used by those for whom they are intended, they are recorded at a speed that simply does not work on standard tape players.

The National Library Service provides special tape players and record players to eligible individuals. This equipment is not generally available to the public. To be eligible to receive this special equipment, an applicant must be certified by a qualified professional such as a doctor, nurse or social worker that he or she is unable to use standard print.

The National Library Service selects the books to reproduce in these specialized formats.

Frequently, the National Library Service issues request after request only to wait months for a response from the publisher. These delays are not because the publishers have a desire to withhold permission; it is simply a low priority. They just set it aside.

There are still 17 books from the 1995 best seller list for which permission is still pending.

For our Nation's more than 54,000 blind elementary and secondary school students, this is a great problem.

The American Printing House for the Blind in Louisville, KY, is the primary producer of braille textbooks. It is a challenge to reproduce today's highly visible textbooks in braille format. Maps, charts, graphs, and illustrations that take up one page in a standard textbook may require multiple pages of braille or tactile graphics to convey the same information. All in all, it can take a full year to produce a braille textbook. Added time consumed by trying to get permission from publishers makes it certain that the blind student is not in sync with his classmates.

The amendment Senator FRAHM and others and I are introducing seeks to end the unintended censorship of blind students' access to current information. The amendment, as I say, is endorsed by the Association of American Publishers, the National Federation of the Blind, the American Foundation for the Blind, the American Printing House for the Blind, and the U.S. Copyright Office.

This is a very simple amendment. This says groups that produce specialized formats for the blind no longer are required to gain permission from the copyright holder before beginning production. It is based on an agreement that was reached last January between the Association of American Publishers and the National Federation of the Blind. It includes a very narrow definition of those who are eligible to undertake such production and applies the definition for eligibility used by the National Library Service to those who receive reproductions.

So, Mr. President, as has been said by a member of the National Federation of the Blind, It should be obvious that the delays here present a significant barrier which must be overcome if blind people are to be informed and literate. It is not too much to say that living successfully in our modern society often depends upon being able to communicate ideas and facts both orally and in writing.

I conclude by a statement from Marybeth Peters, who is the Register of Copyrights at the Library of Congress. In testifying before the Senate Judiciary Committee she said,

Blind and physically handicapped readers have a legitimate need for prompt and timely access as soon as possible after works become available to the general reading public. Textbook materials in particular are commonly out of date within 1 to 2 years, superseded by new editions.

Passage of this amendment will permit the speedy access to information that blind people need.

It is my understanding the managers of the bill are prepared to accept the amendment, but we are waiting for the approval of the ranking member of the Judiciary Committee.

So, Mr. President, I thank the managers of the bill and hope that when we receive the approval, as I expect we will, of the ranking member of the Judiciary Committee, if I am not here, the manager of the bill might be able to call up this amendment and have it considered in my absence.

I ask the manager and the ranking member of the committee, if we receive the approval—the only thing we are waiting for is the approval of the ranking member of the Judiciary Committee. If I could pass that on, when it is received, to the managers, if they could then call up the amendment if I am not here.

Mr. MACK. I say to the Senator, we will be in a position to do that.

Mr. CHAFEE. I thank the Senator very much. I do not know what the

time schedule is. We may have to move forward rather quickly. So we will get that information regarding the ranking member as soon as we can.

Mr. MACK. I am under the impression, since the Senator has offered the amendment, that his rights have been protected. We will be moving forward the remainder of this evening and then tomorrow taking whatever amendments have been agreed to in the unanimous consent request last week dealing with those amendments.

I have forgotten the time that we were slotted for votes.

It has not been set yet, but, again, the Senator's rights have been protected since he has offered the amendment.

Mr. CHAFEE. I thank the Senator.

Mrs. MURRAY. Mr. President, let me say that I support the amendment the Senator has offered. We are simply on this side waiting for the authorizing committee to review it, and hopefully that will come fairly soon.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. Did the Senator from Wisconsin seek recognition?

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. FEINGOLD], is recognized.

Mr. FEINGOLD. I ask the managers if this would be an appropriate time to offer an amendment? Have they had an opportunity to make their opening statements?

Mr. MACK. I say to the Senator, this is an appropriate time to offer an amendment that has been listed in the unanimous-consent request.

Mr. FEINGOLD. I intend to offer the amendment on behalf of the Senator from Arizona [Mr. MCCAIN] and myself. I believe that is one of the listed items.

Mr. MACK. I believe I would be in a position to object to that. As I understand it, the unanimous-consent request indicates that there is a slot for Senator MCCAIN to offer an amendment. I have the right to object to a request for someone to offer an amendment on someone else's behalf.

The PRESIDING OFFICER. The Senator from Florida is correct. The Senator from Wisconsin would have to ask unanimous consent to offer the amendment.

Mr. FEINGOLD. I ask unanimous consent that I may offer an amendment on behalf of the Senator from Arizona, who is unable to be here at this time.

The PRESIDING OFFICER. Is there objection?

Mr. MACK. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MACK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

AMENDMENT NO. 5120

(Purpose: To further restrict legislative post-employment lobbying by Members and senior staffers)

Mr. FEINGOLD. Mr. President, I rise to offer an amendment on behalf of the senior Senator from Arizona, Mr. MCCAIN. I send the amendment to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for Mr. MCCAIN, for himself and Mr. FEINGOLD, proposes amendment numbered 5120.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following:

SEC. . (a) Section 207(e)(1)(A) of title 18, United States Code, is amended by striking "1 year" and inserting "2 years".

(b) Paragraphs (2)(A), (3), and (4)(A) of section 207(e) of title 18, United States Code, are amended by striking "within 1 year after" and inserting "within 5 years after".

Mr. FEINGOLD. Mr. President, I have offered the amendment on behalf of Senator MCCAIN of Arizona, which is an outgrowth of a bipartisan effort that relates to the issue of post-employment restrictions on elected officials and what is more commonly known as the practice of the revolving-door lobby.

This amendment follows in a long line of congressional reforms that have been proposed on a bipartisan basis by myself and the Senator from Arizona and others. Several of us who have been trying to address the issue of special interest influence have proposed and pursued several avenues of reform. Whether it is requiring greater disclosure from the lobbying community or passing new gift restrictions that clamps down on free vacation trips and fancy dinners, or finally addressing the woefully inadequate system of campaign finance we are currently saddled with, it is clear that reforming the Congress has become one of the preeminent issues among an electorate that has grown to not only view this institution with cynicism and disdain, but has also developed, unfortunately, a fundamental distrust of their elected representatives.

Mr. President, restoring the faith of the American people in their Government is without a doubt one of the most important tasks that faces us today.

Those of us who have been proposing lobbying reform and gift prohibitions and campaign finance reform have sometimes been accused by defenders of the status quo of seeking to limit citizen access to their elected representatives. But this is not the case.

What we are trying to do is limit special access to elected representatives, the kind of access that ordinary Americans living in States like Wisconsin and Arizona do not have. Many of us believe that it is simply wrong to suggest that just because you have the financial resources to write out enormous campaign contributions or treat legislators to expensive meals, that you should therefore have special access to those Government officials. That is nothing more than auctioning off democracy to the highest bidder.

A very large part of the culture of special interest influence that pervades Washington is the revolving door between public service and private employment. By putting a lock on this revolving door for a meaningful period of time, we can send a message that those entering Government employment should view public service as an honor and a privilege, not as just another rung on the ladder to personal gain and profit.

Mr. President, the facts show there is a public perception that there is a problem that needs to be addressed. It is not misguided.

There are countless instances of former Members of Congress who once chaired or served on committees with jurisdiction over particular industries or special interests who are now lobbying their former colleagues on behalf of those very industries or special interests. Former committee staff directors use their contacts and knowledge of their former committees to secure lucrative positions in lobbying firms and associations with interests related to those committees.

Just how fast is the revolving door spinning, Mr. President? Just look at the countless announcements, after the 1994 elections, of Government officials leaving the public sector to work for lobbying firms.

One article announced that an aide leaving her position on the House Subcommittee on Energy and Power will be working for the lobbying arm of the American Public Power Association.

Mr. President, another announcement tells us a recently retired official member of the House Ways and Means subcommittee on select revenue measures, is joining a Washington lobbying firm as a specialist on tax policy. Mr. President, we have the former chief of staff to the chairman of the House Transportation Committee now lobbying the committee on behalf of a number of transportation interests.

Mr. President, I could go on and on. The problem of the revolving door lobbying is quite clear, and in my view,

and I strongly believe in the view of the author of this amendment, the senior Senator from Arizona, so is the solution. The solution is clear, too.

The amendment offered by the senior Senator from Arizona today will strengthen the postemployment restrictions that are already in place. Keep in mind, Mr. President, postemployment restrictions are not something new. There is currently a 1-year ban on former Members of Congress lobbying the entire Congress, as well as a 1-year ban on senior congressional staff lobbying their former employing entity. Members and senior staff are also prohibited from lobbying on behalf of a foreign entity for 1 year.

The McCain amendment will prohibit Members of Congress from lobbying the entire Congress, not just for 1 year but for 2 years. It doubles the time. We double the current restriction.

In the most egregious abuses, when a former high-ranking committee staffer is hired by a special interest to lobby that committee, we extend the lobbying ban to 5 years. This amendment then bars former senior staffers, defined as any senior staffer or any staffer earning in excess of 75 percent of a Member's salary, from lobbying their former employing entities for a period of 5 years.

For example, the former chief counsel of the Ways and Means Committee would be prohibited from lobbying any member of that committee or any committee staffer for a period of 5 years.

Mr. President, some might argue that we are inhibiting these talented individuals from pursuing careers in policy matters in which they have become extremely proficient. It may be asked why a former high-level staffer on the Senate Subcommittee on Communications cannot accept employment with a telecommunications company. After all, this person has accumulated years of knowledge of our communication laws and technology. Why should this individual be prevented from accepting private sector employment in the communications field?

Of course, Mr. President, our legislation does not do that. Our legislation does not bar anyone from seeking private sector employment. That staffer can take the job with the telecommunications company, but what they cannot do is lobby their former subcommittee for 5 years. They can consult, they can advise, they can recommended, but they cannot lobby their former employer. That is it. That is what the McCain amendment does.

We are only limiting an individual's employment opportunity if they are seeking to use their past employment with the Federal Government to gain special access or influence with the Government in return for personal gain.

Mr. President, we are not here to outlaw the profession of lobbying. Not only would that be unconstitutional, but I do not think it would really be addressing the true flaws of our political system. Lobbying, when done right, is merely an attempt to present the views and concerns of a particular group. There is nothing inherently wrong with it. In fact, lobbyists, whether they are representing public interest groups or Wall Street, can present information to public representatives that they may not otherwise have or obtain. So it can be helpful.

Mr. President, I strongly believe that there is no more noble endeavor than to serve in Government, but we need to take immediate action to restore the public's confidence in their Government and to rebuild the lost trust between Members of Congress and the electorate. This amendment is a small, but I think strong step, in that direction. I urge the Members to give it their support.

I yield the floor.

Mr. MACK. Mr. President, I thank the distinguished Senator for working out the situation here a few moments ago. I am glad we were able to have the amendment offered, and I appreciate the Senator's understanding with respect to voting this on a voice vote.

I am prepared to accept the amendment and take it to conference.

Mr. FEINGOLD. The manager has correctly stated our understanding. I appreciate the courtesy.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 5120) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. MACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I rise in support of H.R. 3754, in legislative branch appropriations bill for fiscal year 1997.

The bill, as reported, provides $2.2 billion in new budget authority and $1.9 billion in outlays for the Congress and other legislative branch agencies, including the Library of Congress, the General Accounting Office, and the Government Printing Office, among others.

When outlays from prior year appropriations and other adjustments are taken into account, the bill totals $2.3 billion in budget authority and $2.2 billion in outlays. The bill is under the subcommittee's 602(b) allocation by $23 million in budget authority and $49 million in outlays.

I want to commend the distinguished chairman and ranking member of the legislative branch subcommittee for producing a bill that is substantially within their 602(b) allocation. I am pleased that this bill continues to hold the line on congressional spending.

I urge the Senate to adopt this bill and to avoid offering amendments which would cause the committee to exceed its 602(b) allocation.

APPOINTMENT OF A DEPUTY LIBRARIAN

Mr. MACK. Mr. President, I would like to bring the attention of the Senate to committee report language concerning the Library of Congress and the appointment and responsibilities of a deputy librarian.

I also note the presence of the chairman of the Joint Committee on the Library, Senator HATFIELD, and the chairman of the Senate Committee on Rules and Administration. I wonder if they would care to engage in a brief colloquy regarding this issue.

But let me first read the report language in question.

> The committee has reviewed the findings and recommendations of the recent audits of the Library, and believes that the single most important action to be taken would be the appointment of a deputy librarian fully empowered to be the chief executive officer of the Library. The management tasks identified in the audit reports are daunting, and must be given full-time attention. The extraordinary demands already placed upon the Librarian in any number of external arenas and in developing a vision for the Library's transition into a digital future make it impossible for him to deal with the day-today administration of the Library's operations. Those responsibilities must be delegated to the Deputy Librarian and the committee looks forward to that being done as soon as the deputy position is filled.

Mr. President, the committee's phrasing in its instruction to the Library to empower the Deputy Librarian as the chief executive officer was done so advisedly. The committee is aware that the specific recommendation in the GAO management audit suggested that the deputy act as the chief operating officer. And, indeed the library is in the process of selecting a deputy librarian to fill the position as a chief operating officer.

However, the committee wishes to make it crystal clear that, in our considered judgment, and for the reasons outlined in the report which I have just read, the Deputy Librarian should be charged with the responsibilities of a chief executive officer.

The title and terminology are not as important as the idea that this committee will be looking to the deputy as the accountable authority in the day-to-day management of the institution.

I yield to our most distinguished chairman of the Appropriations Committee who also serves as the chairman of the Joint Committee on the Library.

Mr. HATFIELD. Mr. President, the chairman of the subcommittee was good enough to consult with me in the development of the report language he has just read, and I concur wholeheartedly in the direction given to the Library in that language. Our Librarian of Congress, Dr. James Billington, is an extraordinary individual of numerous talents and many achievements, but no one individual can possibly personally direct all the Library's activities. When the position of Deputy Librarian is filled, the Librarian should delegate to him the responsibility and the authority to deal with the day-to-day administration of the Library's operations. The Librarian has written to me to indicate he intends to do exactly that, and I look forward to the beneficial effects of that delegation of responsibility. I yield the floor.

Mr. MACK. I yield to our most distinguished chairman of the Committee on Rules and Administration for his comments on the issue.

Mr. WARNER. Mr. President, I share with both distinguished chairmen, the views as expressed in committee report 104–323 relating to the appointment and responsibilities of a deputy librarian of the Library of Congress.

In our meeting of the Joint Committee on the Library, ably chaired by the distinguished senior Senator from Oregon, we discussed the critical need for a deputy librarian, fully vested with the authority to run the day-to-day operations and management of the institution.

Each of us recognize the many responsibilities already placed on the Librarian, including those by outlined by statute. His responsibilities in developing a vision for the Library into the 21st century is an enormous task. Promoting this vision within the institution, in the Congress, and indeed throughout the Nation requires an immense amount of time and energy. The Librarian has done a tremendous job in this critical area. We applaud his efforts and wish him greater and continued success. I know we all look forward to working with the Librarian as he continues to set the course for the future of the Library.

UNANIMOUS-CONSENT AGREEMENT

Mr. MACK. Mr. President, I ask unanimous consent that following the disposition of amendments numbered 5119 and 5118, which will occur on Tuesday, that the bill be advanced to third reading, and Senator BYRD be recognized for up to 20 minutes for closing remarks, to be followed immediately by final passage of H.R. 3754, the legislative appropriations bill; provided further, that amendments numbered 5118 and 5119 not be subject to second-degree amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MACK. Mr. President, I just have a few more comments to make with respect to the legislative appropriations bill. I am trying to anticipate where we might have possible contention in a conference committee meeting, and that would be on the issue of dynamic scoring, which Senator MURRAY referred to in her opening statement.

I am one who strongly supports the language, frankly, that was included in the House bill, which would allow for both the joint committee and for the CBO, Congressional Budget Office, to use dynamic scoring upon request. But I realize the situation that we are in in the Senate. There would have been a Budget Act point of order that could be raised against the entire bill if, in fact, it had not been removed in committee. And if I remember correctly, Senator HATFIELD offered an amendment to remove the House language, so that we could proceed without a point of order being raised.

Again, this is an issue that we will have to deal with in conference. I just want to make everybody aware that it is one in which there are strong feelings on both sides of the Capitol, and both sides of the aisle, I suspect.

Lastly, I, again, would just like to thank Senator MURRAY for her cooperation in the effort that we have put together to bring about this appropriations bill. I also want to express my appreciation to Jim English, Eric Llgenfritz, and Larry Harris and Keith Kennedy of our side of the aisle, for the work they have put into the writing of this legislation. I appreciate the efforts all of you have made.

Mrs. MURRAY. Mr. President, let me just thank the Senator from Florida for his work on the legislative branch appropriations bill.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5118, WITHDRAWN

Mr. FORD. Mr. President, the ranking member sent an amendment to the desk numbered 5118 on behalf of Senator LEAHY.

At this time, I ask unanimous consent that that amendment be withdrawn.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 5118) was withdrawn.

Mr. FORD. Mr. President, I have a statement I wish to put into the RECORD as it relates to that amendment. I want to read it so that there will be no mistake about what we are putting in the RECORD.

Although the "U.S. Senate Internet Services Usage Rules and Policies" were adopted on July 22, 1996, Chairman WARNER and I have determined that implementation of the requirements concerning promotional and commercial links to Senators' home States will be delayed for 60 days. During that time, the committee is interested in hearing from Senators and Senate offices concerned about this issue and will seriously consider constructive input during that time.

All other aspects of the policy remains in effect.

I thank the Chair. I yield the floor.

MORNING BUSINESS

Mr. MACK. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAJ. GEN. NORMAND G. LEZY

Mr. THURMOND. Mr. President, it is my pleasure to rise today and pay tribute to Maj. Gen. Normand G. Lezy, the Director of Air Force Legislative Liaison, whose 2-year tenure in that position is about to come to an end.

The support that the 535 Members of Congress, and various committees of the House and Senate, receive from the legislative liaison offices of the four military services and the Coast Guard is critical to allowing us to serve our constituents. The men and women who work in these congressional relations offices are known to be courteous, responsive, and excellent representatives of their individual branches of the military. Clearly, the high standards these soldiers, marines, sailors, coast guardsmen, and airmen adhere to are set by those who head the various legislative liaison missions. These are officers who bring a wealth of experience, professionalism, and knowledge with them when they assume these highly visible and extremely demanding positions.

For the past 24 months, the Air Force has been well served by General Lezy, an officer with 21 years of experience, and whose broad background not only gives him an understanding of Air Force operations that few can match, but which has aided him greatly as he worked to meet the needs and demands of those in Congress. From his days as a young second lieutenant in the 3355th Student Squadron, where he assumed the duties of administrative officer, to his work at the Pentagon, General Lezy has repeatedly demonstrated his abilities as an officer and his commitment to selflessly working for the security of the United States. Without question, the Air Force Legislative Liaison office has benefited from his command.

Mr. President, I am certain that my colleagues both on the Armed Services

Committee and in the Senate would echo my commendations of General Lezy, the support he has provided us, and the service he has rendered our Nation. I wish the general great health and much happiness in the years to come, and I am sure that he will continue to play a key role in continuing to protect the ideals, interests, and people of the United States.

WITHDRAWAL OF REQUEST FOR SEQUENTIAL REFERRAL—S. 1718

Mr. WARNER. Mr. President, on June 12, 1996, I requested sequential referral of S. 1718, the Intelligence Authorization Act for fiscal year 1997, to the Committee on Rules and Administration upon its discharge from the Senate Committee on Governmental Affairs. The Rules Committee, which has jurisdiction over legislation pertaining to Senate committee structure, desired an opportunity to consider a provision affecting the structure of the Senate Select Committee on Intelligence.

The chairman and ranking member of the Select Committee on Intelligence have advised me that when S. 1718 goes to the floor of the Senate, they will strike the provision related to the structure of that committee. Accordingly, I now withdraw my request for sequential referral of S. 1718. Thank you for your consideration in this matter.

TRIBUTE TO MS. YVONNE TUCKER

Mr. WARNER. Mr. President, I rise today to pay tribute to Ms. Yvonne Tucker, who will retire from the Department of the Army on August 2, 1996, after a long career of distinguished service to our Nation as a Federal civil servant. I am pleased to note that her many efforts over the past 32 years have positively impacted the relationship between the Army and the U.S. Congress.

Ms. Tucker began her career in Federal service in the Army's Office of the Chief for Legislative Liaison, where she first established a reputation for excellence. From 1972 to 1979, she served as a congressional affairs specialist in the Office of the Legal Advisor and legislative assistant to the Chairman of the Joint Chiefs of Staff. During her tenure there, she made significant contributions to such presidential initiatives as the Panama Canal Treaty Task Force and the Department of Defense Special Task Force on Korea.

In 1979, Ms. Tucker earned a promotion to the Army's Special Actions Branch of the Office of the Chief of Legislative Liaison, and ultimately became Deputy Branch Chief. Having again distinguished herself through characteristic outstanding performance, she was assigned to the Office of the Chief of Staff in 1990 to serve as a congressional actions analyst. Here too, she distanced herself from her peers by executing her duties with exceptional skill and innovation.

Congress expects and requires timely, accurate information from our senior defense leadership; unfortunately, we often overlook the tremendous amounts of staff work required to fulfill these needs. Ms. Tucker has been instrumental in ensuring that the Army is able to meet Congress' expectations, by providing Army officials with guidance as to how to interact with Congress most effectively.

Yvonne Tucker is indeed a consummate professional. As a career civil servant, she embodied loyalty, integrity, and competence, ideals which she will continue to uphold and to which all Americans should strive. She has served our Nation well, and our heartfelt appreciation and best wishes for continued success go with her as she prepares for her next endeavor.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR CALENDAR YEAR 1994—MESSAGE FROM THE PRESIDENT—PM 166

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Pursuant to the requirements of 42 U.S.C. 3536, I transmit herewith the 30th Annual Report of the Department of Housing and Urban Development, which covers calendar year 1994.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 29, 1996.*

MESSAGES FROM THE HOUSE

At 10:58 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3900. An act to amend the Agricultural Market Transition Act to provide greater planting flexibility, and for other purposes.

MEASURES REFERRED

The following bill, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and referred as indicated:

H.R. 2779. An act to provide for appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3900. An act to amend the Agricultural Market Transition Act to provide greater planting flexibility, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3541. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of Financial Statements for the years 1994 and 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–3542. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Groundfish of the Gulf of Alaska," received on July 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3543. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Swordfish Fishery," received on July 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3544. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives," (RIN2120–AA64) received on July 25, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3545. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of forty-one rules including one entitled "Regulated Navigation Area," (RIN2105–AC22, 2115–AE01, 2115–AE84, 2115–AE46, 2115–AA97) received July 25, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3546. A communication from the Office of the Managing Director, Federal Communications Commission, transmitting, pursuant to law, the report of a rule relative to the Interconnection and Resale Obligations

Pertaining to Commercial Mobile Radio Services, received on July 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3547. A communication from the Office of the Managing Director, Federal Communications Commission, transmitting, pursuant to law, the report of a rule relative to FM Broadcast Stations, received on July 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3548. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Groundfish of the Gulf of Alaska," received on July 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3549. A communication from the Secretary of Energy, transmitting, a draft of legislation relative to the Energy Policy Act of 1992; to the Committee on Energy and Natural Resources.

EC–3550. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Voluntary Reporting of Greenhouse Gases 1995"; to the Committee on Energy and Natural Resources.

EC–3551. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Uranium Enrichment Decontamination and Decommisssioning Fund Triennial Report"; to the Committee on Energy and Natural Resources.

EC–3552. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Decommissioning of Nuclear Power Reactors," (RIN3150–AE96) received on July 25, 1996; to the Committee on Environment and Public Works.

EC–3553. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of four rules entitled "Clean Air Act Final Interim Approval of Operating Permits Programs," (FRL5542–4, 5541–1, 5542–7, 5443–1) received on July 24, 1996; to the Committee on Environment and Public Works.

EC–3554. A communication from the Acting Administrator, General Services Administration, transmitting, pursuant to law, the report of an informational copy of a lease prospectus; to the Committee on Environment and Public Works.

EC–3555. A communication from the Acting Administrator, General Services Administration, transmitting, pursuant to law, the report of an informational copy of a lease prospectus; to the Committee on Environment and Public Works.

EC–3556, A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure 96–39," received on July 25, 1996; to the Committee on Finance.

EC–3557, A communication from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Manufacturers Excise Taxes-Firearms and Ammunition," (RIN1512–AB42) received on July 23, 1996; to the Committee on Finance.

EC–3558. A communication from the Chief of Staff, Social Security Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of two rules including one entitled "Miscellaneous Coverage Provisions of the Social Security Independence and Program Improvements Act of 1994," (RIN0960–AE00, 0960–AE21) received on July 23, 1996; to the Committee on Finance.

EC–3559. A communication from the Deputy Associate Administrator for Acquisition Policy, Office of Policy, Planning and Evaluation, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Removal of Chapter 201, Federal Information Resources Management Regulation, From Title 41—Public Contracts and Property Management," (RIN3090–AG04) received on July 23, 1996; to the Committee on Governmental Affairs.

EC–3560. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Governmental Affairs.

EC–3561. A communication from the Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a report relative to the "Revised Fiscal Year 1997 Budget Request Act"; to the Committee on Governmental Affairs.

EC–3562. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, management reports of Federal Home Loan Banks and Financing Corporation for calendar year 1995; to the Committee on Governmental Affairs.

EC–3563. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a statistical report for fiscal year 1995; to the Committee on Governmental Affairs.

EC–3564. A communication from the Director, Defense Procurement, Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement," received on July 23 1996; to the Committee on Governmental Affairs.

EC–3565. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to the Committee's Procurement List, received on July 23, 1996; to the Committee on Governmental Affairs.

EC–3566. A communication from the Assistant Secretary for Employment and Training, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Unemployment Insurance Program Letter 29–83, Change 3," received on July 23, 1996; to the Committee on Labor and Human Resources.

EC–3567. A communication from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Revocation of Certain Device Regulations," received on July 23, 1996; to the Committee on Labor and Human Resources.

EC–3568. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled, "Passports and Visas Not Required for Certain Nonimmigrants," received on July 24, 1996; to the Committee on the Judiciary.

EC–3569. A communication from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Adding Australia to the List of Countries Authorized to Participate in the Visa Waiver Pilot Program," (RIN115–AB93) received on July 24, 1996; to the Committee on the Judiciary.

EC–3570. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Hostage Situation Management," (RIN1120–AA55) received on July 23, 1996; to the Committee on the Judiciary.

EC–3571. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Release Preparation Program," (RIN1120–AA51) received on July 23, 1996; to the Committee on the Judiciary.

EC–3572. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Part-Time Career Employment Program," (RIN2900–AH75) received on July 23, 1996; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–658. A resolution adopted by the City Council of the City of Hialeah, Florida relative to the Republic of China; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted on July 26, 1996:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1994. An original bill to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes (Rept. No. 104–333).

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1505. A bill to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes (Rept. No. 104–334).

By Mr. MCCAIN, from the Committee on Indian Affairs, without amendment:

S. 1962. A bill to amend the Indian Child Welfare Act of 1978, and for other purposes (Rept. No. 104–335).

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1149. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Babs*, and for other purposes.

S. 1272. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Billy Buck*.

S. 1281. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Sarah-Christen*.

S. 1282. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade for the vessel *Triad*.

S. 1319. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Too Much Fun*, and for other purposes.

S. 1347. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for the vessel *Captain Daryl*, and for other purposes.

S. 1348. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for the vessel *Alpha Tango*, and for other purposes.

S. 1349. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for the vessel *Old Hat*, and for other purposes.

S. 1358. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Carolyn*, and for other purposes.

S. 1362. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Focus*.

S. 1383. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Westfjord*.

S. 1384. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *God's Grace II*.

S. 1454. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel *Joan Marie*, and for other purposes.

S. 1455. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Movin On*, and for other purposes.

S. 1456. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Play Hard*, and for other purposes.

S. 1457. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Shogun*, and for other purposes.

S. 1545. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Moonraker*, and for other purposes.

S. 1566. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Marsh Grass Too*.

S. 1588. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Kalypso*.

S. 1631. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Extreme*, and for other purposes.

The following reports of committees were submitted on July 29, 1996:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1873. A bill to amend the National Environmental Education Act to extend the programs under the Act, and for other purposes (Rept. No. 104–336).

By Mr. STEVENS, from the Committee on Governmental Affairs, with amendments:

S. 1718. An original bill to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and for the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 104–337).

By Mr. MCCAIN, from the Committee on Indian Affairs, without amendment:

S. 1834. A bill to reauthorize the Indian Environmental General Assistance Program Act of 1992, and for other purposes (Rept. No. 104–338).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1998. A bill to provide for expedited negotiations between the Secretary of the Interior and the villages of Chickaloon-Moose Creek Native Association, Inc., Ninilichik Native Association, Inc., Seldovia Native Association, Inc., Tyonek Native Corporation and Knikatnu, Inc. regarding the conveyances of certain lands in Alaska Under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NICKLES (for himself, Mr. BYRD, Mr. HELMS, Mr. COATS, Mr. FAIRCLOTH, Mr. INHOFE, Mr. LOTT, Mr. MCCONNELL, Mr. SANTORUM, Mr. SHELBY, Mr. SMITH, Mr. THURMOND, Mr. WARNER, Mr. ASHCROFT, Mr. BENNETT, Mr. FRIST, Mr. GREGG, Mr. KYL, Mr. BURNS, Mr. GRAMM, Mr. STEVENS, and Mr. GORTON):

S. 1999. A bill to define and protect the institution marriage; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROTH (for himself and Mrs. FEINSTEIN):

S. Res. 285. A resolution expressing the sense of the Senate that the Secretary of State should make improvements in Cambodia's record on human rights, the environment, narcotics trafficking and the Royal Government of Cambodia's conduct among the primary objectives in our bilateral relations with Cambodia; to the Committee on Foreign Relations.

By Mr. MOYNIHAN:

S. Con. Res. 67. A concurrent resolution to authorize printing of the report of the Commission on Protecting and Reducing Government Secrecy; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1998. A bill to provide for expedited negotiations between the Secretary of the Interior and the villages of Chickaloon-Moose Creek Native Association, Inc., Ninilichik Native Association, Inc., Seldovia Native Association, Inc., Tyonek Native Corp., and Knikatnu, Inc. regarding the conveyances of certain lands in Alaska Under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

THE ALASKA NATIVE CLAIMS SETTLEMENT AMENDMENT ACT OF 1996

• Mr. MURKOWSKI. Mr. President, today I introduce legislation on behalf of myself and Senator STEVENS. This legislation is intended to help facilitate a settlement regarding a complex land dispute between five Native Alaskan villages and the Department of the Interior.

Mr. President, the villages of Chickaloon-Moose Creek, Ninilchik, Selovia, Tyonek, and Knikatnu selected lands over 20 years ago pursuant to the Alaska Native Claims Settlement Act (ANSCA) along the shores of what would later become Lake Clark National Park and on the western coast of Cook Inlet. These five villages later relinquished many of their original selections so that the Department could consolidate their holdings and preserve valuable lake frontage to create the Lake Clark National Park in 1980. Without the relinquishment of the village's original land selections Lake Clark National Park may never have become a reality.

In return for the relinquishment of their original selections, the villages were offered other lands on the western coast of Cook Inlet. Because there were five villages, the DOI worked with the villages to create different "rounds" of selections. This process would ensure that no one village would receive all the high or low priority selections being offered in the new lands. These rounds were similar to the way the NFL conducts its draft.

After the villages made their selections, with the assistance of the Bureau of Land Management (BLM), the selections were then rejected by the BLM because they were not "compact and contiguous" as required by ANSCA. This resulted in a deficiency conveyance agreement which divided the village selections in Cook Inlet into two appendices—appendix A, and appendix C. When the villages signed their agreement they were continuously assured by the BLM that their selection rounds would remain intact thereby preserving their highest priority land selections. Indeed, correspondence over the years from the Department of the Interior indicates that this was the case.

However, now the DOI claims that none of the appendix C lands could be transferred until all appendix A lands have been conveyed. If allowed to continue this would result in the Native

villages not receiving their priority selections under ANCSA.

It is ironic that it was village corporations who gave up their selections so that the Department could create Lake Clark National Park and now the DOI is blocking the villages right to select lands they originally assisted in selecting by saying it would threaten Lake Clark National Park.

The legislation I am introducing today is a fair compromise to this problem. In short the legislation would:

Require the Secretary to enter into expedited negotiations with the village corporations for the purpose of resolving their remaining land entitlement issues with either the lands in dispute or other lands in Alaska;

For any village with much the Secretary reaches agreement he must implement the agreement within 90 days and the issue is then resolved;

For any of the villages with which the Secretary fails to reach agreement within 180 days, the Secretary must convey to that village 50 percent of the lands they selected, in the order of their selection by priority rounds;

For any of the five villages that still have remaining acreage in their land entitlements, the Secretary must continue to negotiate with them and report back to Congress on the status of these negotiations;

Lastly, the legislation will preserve the village's right to pursue the issue through the judicial system.

Mr. President, this legislation is fair and balanced. Each of the two parties involved have the opportunity to resolve the issue in an amicable way where both can walk away with positive results. Failing to accomplish this, each party then only gets half of what they want.

I would like to point out that, regardless of the rhetoric coming from opponents of this legislation, these selected lands are not part of Lake Clark National Park.

I understand the DOI may oppose this legislation. I would like to inform the Department of the Interior that I am opposed to them making Alaska Natives wait 20 years for their promised land conveyances.•

By Mr. NICKLES (for himself, Mr. BYRD, Mr. HELMS, Mr. COATS, Mr. FAIRCLOTH, Mr. INHOFE, Mr. LOTT, Mr. MCCONNELL, Mr. SANTORUM, Mr. SHELBY, Mr. SMITH, Mr. THURMOND, Mr. WARNER, Mr. ASHCROFT, Mr. BENNETT, Mr. FRIST, Mr. GREGG, Mr. KYL, Mr. BURNS, Mr. GRAMM, Mr. STEVENS, and Mr. GORTON):

S. 1999. A bill to define and protect the institution of marriage; to the Committee on the Judiciary.

THE DEFENSE OF MARRIAGE ACT

Mr. NICKLES. Mr. President, today I am reintroducing a bill called the Defense of Marriage Act. This bill does just two things. It defines the words "marriage" and "spouse" for purposes of Federal law and it says that no State shall be required to give effect to a law of any other State with respect to a same-sex marriage.

This bill is a simple bill. It is based on common understandings rooted in our nation's history. it merely reaffirms what each Congress and every executive agency have meant for 200 years when using the words "marriage" and "spouse". That is, that a marriage is the legal union of a man and a woman as husband and wife, and a spouse is a person of the opposite sex who is a husband or a wife. The current United States Code does not contain a definition of marriage, presumably because most Americans know what it means. Therefore, the definition of marriage in this bill comes from well-established case law. The meaning of spouse is taken from language already in the U.S. Code.

This bill also does not change State law. It allows each State to decide for itself with respect to same-sex "marriage". It does this by exercising Congress's powers under the Constitution to legislate with respect to the full faith and credit clause. It provides that a State shall be required to give effect to any public act of any other State respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State. Congress has most recently legislated in a similar fashion with respect to full faith and credit in 1994 when it enacted the Full Faith and Credit for Child Support Orders Act and the Safe Homes for Women Act.

This bill simply says that marriage is the legal union between one man and one woman as husband and wife, and a spouse is a husband or wife of the opposite sex. There is nothing earth-shattering there. No breaking of new ground. No setting of new precedents. No revocation of rights.

The Defense of Marriage Act is necessary for several reasons. In May of 1993, the Hawaii Supreme Court rendered a preliminary ruling in favor of three same-sex couples applying for marriage licenses. The court said the marriage law was discriminatory and violated their rights under the equal-rights clause of the State constitution. Many States are concerned that another State's recognition of same-sex marriages will compromise their own laws prohibiting such marriages. Legislators in over 30 States have introduced bills to deny recognition to same-sex unions. Fifteen States already have approved such laws, and many other States are now grappling with the issue—including Hawaii, where legislative leaders are fighting to block their own courts from sanctioning such marriages. This bill would address this issue head-on, and it would allow each State to make the final determination for itself.

Another reason this bill is needed now, concerns Federal benefits. The Federal Government extends benefits, rights and privileges to persons who are married, and generally it accepts a State's definition of marriage. This bill will help the Federal Government defend its own traditional and commonsense definitions of "marriage" and "spouse". If, for example, Hawaii gives new meanings to the words "marriage" and "spouse", the reverberation may be felt throughout the Federal code unless this bill is enacted. For instance, a redefinition in Hawaii could create demands for veterans' benefits for same-sex spouses.

Let me cite an example. In the 1970's, Richard Baker, a male, demanded increased veterans' educational benefits because he claimed James McConnell, another male, as his dependent spouse. When the Veterans Administration turned him down, he sued, and the outcome turned on a Federal statute that made eligibility for the benefits contingent on the State's definition of "spouse" and "marriage". The Federal courts rejected the claim for added benefits because the State supreme Court had already determined that in Minnesota, marriage was not available to persons of the same sex (McConnell versus Nooner, 547 F.2d 54, 1976). This bill anticipates future demands such as that made in the veterans' benefits case, and it reasserts that, for the purposes of Federal law, the word "marriage" will continue to mean "only a legal union between one man and one woman as husband and wife" and the word "spouse" will continue to mean "a person of the opposite sex who is a husband or a wife."

Another example of why we need a Federal definition of the terms "marriage" and "spouse" occurred during debate on the Family and Medical Leave Act of 1993. Shortly before passage of this act, I attached an amendment that defined "spouse" as "a husband or wife, as the case may be." I also gave a short speech on the amendment. When the Secretary of Labor published his proposed regulations, a considerable number of comments were received urging that the definition of "spouse" be "broadened to include domestic partners in committed relationships, including same-sex relationships." When the Secretary issued the final rules he stated that the definition of "spouse" in the act and the legislative history precluded such a broadening of the definition of "spouse". The amendment, which was unanimously adopted, spared a great deal of costly and unnecessary litigation over the definition of spouse.

These are just a few reasons for why we need to enact the Defense of Marriage Act. Enactment of this bill will allow States to give full and fair consideration of how they wish to address

the issue of same-sex marriages instead of rushing to legislate because of fear that another State's laws may be imposed upon them. It also will eliminate legal uncertainty concerning Federal benefits, and make it clear what is meant when the words "marriage" and "spouse" are used in the Federal Code.

I urge my colleagues to join me in sponsoring this bill and I ask for their support when this issue comes to the floor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1999

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defense of Marriage Act".

SEC. 2. POWERS RESERVED OF THE STATES.

(a) IN GENERAL.—Chapter 115 of title 28, United States Code, is amended by adding after section 1738B the following:

"Sec. 1738C. Certain acts, records, and proceedings and the effect thereof

"No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 115 of title 28, United States Code, is amended by inserting after the item relating to section 1738B the following new item:

"1738C. Certain acts, records, and proceedings and the effect thereof.".

SEC. 3. DEFINITION OF MARRIAGE.

(a) IN GENERAL.—Chapter 1 of title 1, United States Code, is amended by adding at the end the following:

"Sec. 7. Definition of 'marriage' and 'spouse'

"In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by inserting after the item relating to section 6 the following new item:

"7. Definition of 'marriage' and 'spouse'.".

ADDITIONAL COSPONSORS

S. 650

At the request of Mr. SHELBY, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 650, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

S. 1130

At the request of Mr. BROWN, the names of the Senator from Ohio [Mr. GLENN] and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 1130, a bill to provide for the establishment of uniform accounting systems, standards, and reporting systems in the Federal Government, and for other purposes.

S. 1669

At the request of Mr. LOTT, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1669, a bill to name the Department of Veterans Affairs medical center in Jackson, Mississippi, as the "G.V. (Sonny) Montgomery Department of Veterans Affairs Medical Center".

S. 1731

At the request of Mr. CRAIG, the names of the Senator from Nebraska [Mr. KERREY] and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 1731, a bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes.

S. 1797

At the request of Mr. LEVIN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1797, a bill to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies, and for other purposes.

S. 1873

At the request of Mr. INHOFE, the names of the Senator from New Hampshire [Mr. SMITH] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 1873, a bill to amend the National Environmental Education Act to extend the programs under the Act, and for other purposes.

S. 1885

At the request of Mr. INHOFE, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1885, a bill to limit the liability of certain nonprofit organizations that are providers of prosthetic devices, and for other purposes.

S. 1936

At the request of Mr. CRAIG, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1936, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 1951

At the request of Mr. HELMS, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 1951, a bill to ensure the competitiveness of the United States textile and apparel industry.

SENATE JOINT RESOLUTION 52

At the request of Mr. KYL, the names of the Senator from Maine [Ms. SNOWE] and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of Senate Joint Resolution 52, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of victims of crimes.

SENATE CONCURRENT RESOLUTION 67—RELATIVE TO THE COMMISSION ON PROTECTING AND REDUCING GOVERNMENT SECRECY

Mr. MOYNIHAN submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 67

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document the report of the Commission on Protecting and Reducing Government Secrecy.

SEC. 2. The document referred to in the first section shall be—

(1) published under the supervision of the Secretary of the Senate; and

(2) in such style, form, manner, and binding as directed by the Joint Committee on Printing, after consultation with the secretary of the Senate.

The document shall include illustrations.

SEC. 3. In addition to the usual number of copies of the document, there shall be printed the lesser of—

(1) 5,000 copies for the use of the Secretary of Senate; or

(2) such number of copies as does not exceed a total production and printing cost of $45,000.

SENATE RESOLUTION 285—RELATIVE TO CAMBODIA

Mr. ROTH (for himself and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 285

Whereas, the Paris Peace Accords of 1991 and the successful national elections of 1993 ended the genocide in Cambodia, brought two decades of civil war nearer to cessation, demonstrated the commitment of the Cambodian people to democracy and stability, and led to the creation of a national constitution guaranteeing fundamental human rights;

Whereas, since 1991 the international community has contributed almost $2 billion to peacekeeping and national reconstruction in Cambodia and currently provides over 40 percent of the budget of the Royal Government of Cambodia (RGC);

Whereas, recent events in Cambodia—including the arrest and exile of former Foreign Minister Prince Sirivudh, the expulsion of former Finance Minister Sam Rainsy from the FUNCINPEC Party and the National Assembly, a grenade attack against the independent Buddhist Liberal Democratic Party of Cambodia, mob attacks against pro-opposition newspapers, the assassination of journalist and Khmer National Party member Thun Bunly, and harassment of other journalists—suggest that Cambodia is sliding back into a pattern of violence and repression;

Whereas, rampant corruption in the RGC has emerged as a major cause of public dissatisfaction, which—when expressed by opposition politicians and the press—has resulted in government crackdowns;

Whereas, Cambodia has been added to the Department of State's list of major narcotics trafficking countries;

Whereas, the RGC—in contravention to the Cambodian Constitution—has sanctioned massive deforestation and timber exploitation which has devastated the environment, endangered the livelihoods of many of the country's farmers, and helped finance both the Royal Cambodian Armed Forces and the Khmer Rouge in their civil war;

Whereas, the desire to cite Cambodia United Nations peacekeeping success story has stifled official international expressions of concern about deteriorating conditions in Cambodia; Now therefore, be it *Resolved*, That it is the sense of the Senate that:

(1) among the primary objectives in U.S. policy toward Cambodia should be improvements in Cambodia's human rights conditions, environmental and narcotics trafficking record, and the RGC's conduct;

(2) the Secretary of State should closely monitor preparations for upcoming Cambodian elections in 1997 and 1998 and should attempt to secure the agreement of the RGC to full and unhindered participation of international observers for those elections to ensure that those elections are held in a free and fair manner complying with international standards,

(3) the Secretary of State should support the continuation of human rights monitoring in Cambodia by the United Nations, including monitoring through the office of the United Nations Center for Human Rights in Phnom Penh and monitoring by the Special Representative of the United Nations Secretary General for Human Rights in Cambodia;

(4) the Secretary of State should encourage Cambodia's other donors and trading partners to raise concerns with the RGC over Cambodia's human rights, environmental, narcotics trafficking and governmental conduct;

Mr. ROTH. Mr. President, I rise today on behalf of myself and Senator FEINSTEIN to submit a resolution expressing concerns about a series of disturbing developments in Cambodia.

Recently, the Senate Finance Committee reported out H.R. 1642 to extend permanent most-favored nation tariff treatment to Cambodia. Yesterday, the full Senate passed this legislation by voice vote.

When the Finance Committee marked up H.R. 1642, the committee's members made clear their serious concerns about increasing acts of repression by the Royal Government of Cambodia [RGC]. They also registered their concerns about growing corruption at the highest levels of the civilian and military administration, increasing drug trafficking, and substantial environmental degradation.

In reporting out the bill, the committee made it clear that it was doing so, in part, because it believes normal trade relations with Cambodia could serve to improve Cambodia's behavior.

The resolution we are submitting today is meant to send a parallel message—that the United States Senate remains deeply concerned about problems in Cambodia, and will continue to follow events in that country closely.

Since 1991 the international community has contributed almost $2 billion to peacekeeping and national reconstruction in Cambodia. Multilateral aid also provides over 40 percent of the Royal Government of Cambodia's annual budget. American taxpayers contribute a major portion of these sums.

While the United Nations-sponsored election of 1993 brought a brief period of freedom and democratic improvement to Cambodia, recent developments on a variety of fronts suggests that Cambodia's future remains precarious at best.

For instance, Prince Norodom Sirivudh, former Deputy Prime Minister and Foreign Affairs Minister was arrested by the current government under trumped up charges of fomenting a plot to assassinate the Second Prime Minister, Hun Se. After a summary trial without proper defense, Prince Sirivudh was found guilty by Hun Sen-appointed judges and was sent into exile in France.

Another prominent opposition leader, Former Finance Minister Sam Rainsy was expelled from the coalition Funcinpec Party and the National Assembly for having criticized the RGC for its lack of transparency in its business deals with foreign firms. Since his expulsion, several members of his party have been murdered.

A number of members of another opposition party, the Buddhist Liberal Democratic Party of Cambodia, headed by former Prime Minister Sonn San, died as a result of a grenade attack during that party's national convention.

In addition, a number of editors and reporters from opposition newspapers have been assassinated. Currently, none of these assassination cases have been solved.

Corruption in Phnom Penh is rampant and Cambodia has emerged as a major heroin trafficking center in Asia. Finally, in contravention to the Cambodian Constitution, the RGC has permitted deforestation and timber exploitation on such a massive scale that the agricultural livelihoods of enormous numbers of Cambodians are now threatened.

The resolution I am submitting registers the concerns I know we all share in the Senate on these disturbing trends in the Cambodian economy, government and environment. Mr. President, I urge all my colleagues to join me in support of this legislation.

AMENDMENTS SUBMITTED

THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

BUMPERS (AND HARKIN) AMENDMENT NO. 5096

Mr. BUMPERS (for himself, and Mr. HARKIN) proposed an amendment to the bill (S. 1959) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes; as follows:

On page 23, line 8, reduce the amount by $268,600,000.

WELLSTONE AMENDMENT NO. 5097

Mr. JOHNSTON (for Mr. WELLSTONE) proposed an amendment to the bill, S. 1959, supra; as follows:

On page 19, line 4, strike "expended." and insert in lieu thereof "expended; *Provided*, That funds appropriated for energy supply, research and development activities shall be reduced by four-tenths of one percent from each program and that the amount of the reduction shall be available for the biomass power for rural development program."

KYL AMENDMENT NO. 5098

Mr. KYL proposed an amendment to the bill, S. 1959, supra; as follows:

On page 14, line 1, strike "$410,499,000" and insert "397,096,700".

On page 14, line 5, strike "$71,728,000" and insert "$58,325,700".

On page 14, line 14, before the colon insert": *Provided further*, the amounts allocated by the Committee on Appropriations of each House in accordance with sections 602(a) and 602(b) of the Congressional Budget Act of 1974 and pursuant to the concurrent resolution on the budget for fiscal year 1997 shall be adjusted downward by $13,402,300 and the revised levels of budget authority and outlays shall be submitted to each House by the chairman of the Committee on the Budget of that House and shall be printed in the Congressional Record".

DOMENICI (AND JOHNSTON) AMENDMENT NO. 5099

Mr. DOMENICI (for himself and Mr. JOHNSTON) proposed an amendment to amendment No. 5098 proposed by Mr. KYL to the bill, S. 1959, supra; as follows:

In amendment No. 5098, strike lines 3 through 9 and insert in lieu thereof:

On page 19, line 3, strike "2,749,043,000," and insert in lieu thereof "2,764,043,000," and on page 20, line 9, strike "220,200,000" and insert in lieu thereof "205,200,000."

Insert where appropriate: "TECHNOLOGY DEVELOPMENT FOR THE DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.—Within available funds, up to $2,000,000 is provided for demonstration of stir-melter technology developed by the Department and previously intended to be used at the Savannah River Site. In carrying out this demonstration, the Department is directed to seek alternative use of this technology in order to maximize the investment already made in this technology."

Insert where appropriate: "MAINTENANCE OF SECURITY AT GASEOUS DIFFUSION PLANTS.—Section 161k. of the Atomic Energy Act of 1954 (42 U.S.C. 2201k.) Is amended by striking "subsection:" and inserting the following: "subsection. With respect to the Paducah Gaseous Diffusion Plant, Kentucky, and the Portsmouth Gaseous Diffusion Plant, Ohio, the guidelines shall require, at a minimum, the presence of an adequate number of security guards carrying sidearms at all times to ensure maintenance of security at the gaseous diffusion plants;".

Insert where appropriate: "TECHNICAL CORRECTION TO THE USEC PRIVATIZATION ACT.—Section 3110(b) of the USEC Privatization Act (Public Law 104–134, title III, chapter 1, subchapter A) is amended by striking paragraph (3) and inserting the following:

"(3) The Corporation shall pay to the Thrift Savings Fund such employee and agency contributions as are required or authorized by sections 8432 and 8351 of title 5, United States Code, for employees who elect to retain their coverage under CSRS or FERS pursuant to paragraph (1)."

Insert where appropriate: "Provided that, funds made available by this Act for Departmental Administration may be used by the Secretary of Energy to offer employees voluntary separation incentives to meet staffing and budgetary reductions and restructuring needs through September 30, 1997 consistent with plans approved by the Office of Management and Budget. The amount of each incentive shall be equal to the smaller of the employee's severance pay, or $20,000. Voluntary separation recipients who accept employment with the Federal government, or enter into a personal services contract with the Federal government within five years after separation shall repay the entire amount to the Department of Energy.

On page 2, between lines 24 and 25, insert the following: "Tahoe Basin Study, Nevada and California, $200,000; Walker River Basin restoration study, Nevada and California, $300,000;"

On page 3, line 20, strike: "construction costs for Montgomery Point Lock and Dam, Arkansas, and"

On page 13, line 21, after "expended" insert ":*Provided further*, That within available funds, $150,000 is for completion of the feasibility study of alternatives for meeting the drinking water needs of Cheyenne River Sioux Reservation and surrounding communities"

On page 7, line 19, add the following before the period: ":*Provided further*, That the Secretary of the Army is directed to use $600,000 of funding provided herein to perform maintenance dredging of the Cocheco River navigation project, New Hampshire."

On page 5, after line 2, insert the following: "Mill Creek, Ohio, $500,000;".

On page 5, line 8 strike: "$6,000,000" and insert in lieu thereof: "$8,000,000".

On page 23, line 22, strike "$5,615,210,000" and insert "$5,605,210,000"; and on page 23, line 8, strike "$3,978,602,000" and insert "$3,988,602,000".

On page 14, on line 12, after "amended" insert "$12,500,000 shall be available for the Mid-Dakota Rural Water System".

On page 6, line 24, strike "$1,700,358,000" and insert: "$1,688,358,000".

On page 3, line 15, strike "$1,024,195,000" and insert "$1,049,306,000".

On page 5, line 25, insert the following before the period: ": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to initiate construction on the following projects in the amounts specified:

"Lake Harbor, Alaska, 4,000,000;

"Helena and Vicinity, Arkansas, $150,000;

"San Lorenzo, California, $200,000;

"Panama City Beaches, Florida, $400,000;

"Chicago Shoreline, Illinois, $1,300,000;

"Pond Creek, Jefferson City, Kentucky, $3,000,000;

"Boston Harbor, Massachusetts, $500,000;

"Poplar Island, Maryland, $5,000,000;

"Natchez Bluff, Mississippi, $5,000,000;

"Wood River, Grand Isle, Nebraska, $1,000,000;

"Duck Creek, Cincinnati, Ohio, $466,000;

"Saw Mill River, Pittsburgh, Pennsylvania, $500,000;

"Upper Jordan River, Utah, $1,100,000;

"San Juan Harbor, Puerto Rico, $800,000; and

"Allendale Dam, Rhode Island, $195,000: *Provided further*, That no fully allocated funding policy shall apply to construction of the projects listed above, and the Secretary of the Army is directed to undertake these projects using continuing contracts where sufficient funds to complete the projects are not available from funds provided herein or in prior years".

On page 14, line 1, strike "$410,499,000" and insert: "$398,596,700".

On page 15, line 13, insert the following before the period: ": *Provided further*, That $1,500,000 shall be available for construction of McCall Wastewater Treatment, Idaho facility, and $1,000,000 shall be available for the Devils Lake Desalination, North Dakota Project".

On page 29, between lines 5 and 6, insert the following:

"SALARIES AND EXPENSES

"For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $342,000."

On page 33, between lines 7 and 8, insert the following:

"SALARIES AND EXPENSES

"For expenses necessary to carry out the functions of the United States member of the Susquehana River Basin Commission as authorized by law (84 Stat. 1541), $322,000."

On page 17, line 19, strike: "48,971,000" and insert "$48,307,000".

On page 7, line 19, insert the following before the period: "*Provided further*, That $750,000 is for the Buford-Trenton Irrigation District, Section 33, erosion control project in North Dakota".

GRAMS (AND McCAIN) AMENDMENT NO. 5100

Mr. GRAMMS (for himself and Mr. MCCAIN) proposed an amendment to the bill S. 1959, supra; as follows:

On page 28, line 16, strike "$165,000,000" and insert "155,331,000".

On page 28, line 17, at the end of the sentence, add the following: "The Commission shall provide the House and Senate Appropriations Committee a specific plan for downsizing."

ROCKEFELLER (AND OTHERS) AMENDMENT NO. 5101

Mr. JOHNSTON (for Mr. ROCKEFELLER, for himself, Mr. CRAIG, Mr. BYRD, Mr. BINGAMAN, Mr. KEMPTHORNE, Mr. DOMENICI, and Mr. COHEN) proposed an amendment to the bill, S. 1959, supra; as follows:

At the appropriate place, insert:

SECTION 1. FINDINGS

The U.S.-Japan Semiconductor Trade Agreement is set to expire on July 31, 1996;

The Governments of the United States and Japan are currently engaged in negotiations over the terms of a new U.S.-Japan agreement on semiconductors;

The President of the United States and the Prime Minister of Japan agreed at the G–7 Summit in June that their two governments should conclude a mutually acceptable outcome of the semiconductor dispute by July 31, 1996, and that there should be a continuing role for the two governments in the new agreement;

The current U.S.-Japan Semiconductor Trade Agreement has put in place both government-to-government and industry-to-industry mechanisms which have played a vital role in allowing cooperation to replace conflict in this important high technology sector such as by providing for joint calculation of foreign market share in Japan, deterrence of dumping, and promotion of industrial cooperation in the design-in of foreign semiconductor devices;

Despite the increased foreign share of the Japanese semiconductor market since 1986, a gap still remains between the share U.S. and other foreign semiconductors makers are able to capture in the world market outside of Japan through their competitiveness and the sales of these suppliers in the Japanese market, and that gap is consistent across the full range of semiconductor products as well as a full range of end-use applications;

The competitiveness and health of the U.S. semiconductor industry is of critical importance to the United States' overall economic well-being as well as the nation's high technology defense capabilities;

The economic interests of both the United States and Japan are best served by well-functioning, open markets and deterrence of dumping in all sectors, including semiconductors;

The Government of Japan continues to oppose an agreement that (1) ensures continued calculation of foreign market share in Japan according to the formula set forth in the current agreement, and (2) provides for continuation of current measures to deter renewed dumping of semiconductors in the United States and in the third country markets; and

The United States Senate on June 19, 1996, unanimously adopted a sense of the Senate resolution that the President should take all necessary and appropriate actions to ensure the continuation of a government-to-government U.S.-Japan semiconductor trade agreement before the current agreement expires on July 31, 1996:

SEC. 2. It is the sense of the Senate that if a new U.S.-Japan Semiconductor Agreement is not concluded by July 31, 1996, that (a) ensures continued calculation of foreign market share in Japan according to the formula set forth in the current agreement, and (b) provides for continuation of current measures to deter renewed dumping of semiconductors in the United States and in third country markets, the President shall—

(1) Direct the Office of the United States Trade Representatives and the Department of Commerce to establish a system to provide for unilateral U.S. Government calculation and publication of the foreign share of the Japanese semiconductor market, according to the formula set forth in the current agreement;

(2) Report to the Congress on a quarterly basis regarding the progress, or lack thereof, in increasing foreign market access to the Japanese semiconductor market; and

(3) Take all necessary and appropriate actions to ensure that all U.S. trade laws with respect to foreign market access and injurious dumping are expeditiously and vigorously enforced with respect to U.S.-Japan semiconductor trade, as appropriate.

SIMON AMENDMENT NO. 5102

Mr. DOMENICI (for Mr. SIMON) proposed an amendment to the bill, S. 1959, supra; as follows:

On page 19 line 4 add the following before the period: ": *Provided, That* $5,000,000 shall be available for research into reducing the costs of converting saline water to fresh water".

KEMPTHORNE AND CRAIG AMENDMENT NO. 5103

Mr. DOMENICI (for Mr. KEMPTHORNE, for himself, and Mr. CRAIG) proposed an amendment to the bill, S. 1959, supra; as follows:

At the appropriate place, insert the following: "Of amounts appropriated for the Defense Environmental Restoration and Waste Management Technology Development Program, $5,000,000 shall be available for the electrometallurgical treatment of spent nuclear fuel at Argonne National Laboratory.".

HATFIELD AMENDMENT NO. 5104

Mr. DOMENICI (for Mr. HATFIELD) proposed an amendment to the bill, S. 1959, supra; as follows:

On page 37 add the following new section:

SEC. . OPPORTUNITY FOR REVIEW AND COMMENT BY STATE OF OREGON ON CERTAIN REMEDIAL ACTIONS AT HANFORD RESERVATION, WASHINGTON.

(a) OPPORTUNITY.—

(1) Subject to subsection (b), the Site Manager at the Hanford Reservation, Washington, shall, in consultation with the signatories to the Tri-Party Agreement, provide the State of Oregon an opportunity to review and comment upon any information the Site Manager provides the State of Washington under the Hanford Tri-Party Agreement if the agreement provides for the review and comment upon such information by the State of Washington.

(2) In order to facilitate the review and comment of the State of Oregon under paragraph (1), the Site Manager shall provide information referred to in that paragraph to the State of Oregon at the same time, or as soon thereafter as is practicable, that the Site Manager provides such information to the State of Washington.

(b) CONSTRUCTION.—This section may not be construed—

(1) to require the Site Manager to provide the State of Oregon sensitive information on enforcement under the Tri-Party Agreement or information on the negotiation, dispute resolution, or State cost recovery provisions of the agreement;

(2) to require the Site Manager to provide confidential information on the budget or procurement at Hanford under terms other than those provided in the Tri-Party Agreement for the transmission of such confidential information to the State of Washington;

(3) to authorize the State of Oregon to participate in enforcement actions, dispute resolution, or negotiation actions, conducted under the provisions of the Tri-Party Agreement;

(4) to authorize any delay in the implementation of remedial, environmental management, or other programmatic activities at Hanford; or

(5) to obligate the Department of Energy to provide additional funds to the State of Oregon.

SEC. . SENSE OF THE SENATE, HANFORD MEMORANDUM OF UNDERSTANDING.

It is the sense of the Senate that—

(1) the State of Oregon has the authority to enter into a memorandum of understanding with the State of Washington, or a memorandum of understanding with the State of Washington and the Site Manager of the Hanford Reservation, Washington, in order to address issues of mutual concern to such States regarding the Hanford Reservation; and

(2) such agreements are not expected to create any additional obligation of the Department of Energy to provide funds to the State of Oregon.

MCCAIN AMENDMENT NO. 5105

Mr. DOMENICI (for Mr. MCCAIN) proposed an amendment to the bill, S. 1959, supra; as follows:

Strike section 503 of the bill.

FEINGOLD AMENDMENT NO. 5106

Mr. FEINGOLD proposed an amendment to the bill, S. 1959, supra; as follows:

On page 14, lines 1 through 5, strike "$410,499,000, to remain available until expended, of which $23,410,000 shall be available for transfer to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d)," and insert "$400,999,000, to remain available until expended, for which $13,910,000 shall be available for transfer to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d) (of which no amount may be used for the Animas-LaPlata Participating Project),".

HUTCHISON AMENDMENT NO. 5107

Mr. DOMENICI (for Mrs. HUTCHISON) proposed an amendment to the bill, S. 1959, supra; as follows:

On page 37, add the following after line 25:

SEC. . CORPUS CHRISTI EMERGENCY DROUGHT RELIEF.—For the purpose of providing emergency drought relief, the Secretary of the Interior shall defer all principal and interest payments without penalty or accrued interest for a period of one year for the city of Corpus Christi, Texas, and the Nueces River Authority under contract No. 6-07-01-X0675 involving the Nueces River Reclamation Project, Texas.

SEC. . CANADIAN RIVER MUNICIPAL WATER AUTHORITY EMERGENCY DROUGHT RELIEF.—The Secretary shall defer all principal and interest payments without penalty or accrued interest for a period of one year for the Canadian River Municipal Water Authority under contract No. 14-06-500-485 as emergency brought relief to enable construction of additional water supply and conveyance facilities.

MCCONNELL AMENDMENT NO. 5108

Mr. DOMENICI (for Mr. MCCONNELL) proposed an amendment to the bill, S. 1959, supra; as follows:

On page 20 after line 2 add the following:

Section 161k. of the Atomic Energy Act of 1954 (42 U.S.C. 2201k) with respect to the Paducah Gaseous Diffusion Plant, Kentucky, and the Portsmouth Gaseous Diffusion Plant, Ohio, the guidelines shall require, at a minimum, the presence of an adequate number of security guards carrying side arms at all times to ensure maintenance of security at the gaseous diffusion plants;".

Section 311(b) of the USEC Privatization Act (Public Law 104-134, title III, chapter 1, subchapter A) insert the following:

"(3) The Corporation shall pay to the Thrift Savings Fund such employee and agency contributions as are required or authorized by sections 8432 and 8351 of title 5, United States Code, for employees who elect to retain their coverage under CSRS or FERS pursuant to paragraph (1)."

CHAFEE AMENDMENT NO. 5109

Mr. DOMENICI (for Mr. CHAFEE) proposed an amendment to the bill, S. 1959, supra; as follows:

On page 5 add the following between lines 2 and 3: "Seelconk River, Rhode Island bridge removal, $650,000;".

BOXER AMENDMENTS NOS. 5110–5111

Mr. DOMENICI (for Mrs. BOXER) proposed two amendments to the bill, S. 1959, supra; as follows:

AMENDMENT NO. 5110

On page 7, line 6, after "facilities", insert the following: ", and of which $500,000 shall be made available for the maintenance of Compton Creek Channel, Los Angeles County drainage area, California".

AMENDMENT NO. 5111

On page 2, between lines 24 and 25, insert the following:

Bolinas Lagoon restoration study, Marin County, California, $500,000;

THE CONGRESSIONAL OPERATIONS APPROPRIATIONS ACT, 1997 LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997

HATFIELD AMENDMENT NO. 5112

Mr. MACK (for Mr. HATFIELD) proposed an amendment to the bill (H.R. 3754) making appropriations for the legislative branch for the fiscal year ending September 30, 1997, and for other purposes; as follows:

On p. 34 line 20, strike all after the word "Act" through line 21 and insert: "such sums as may be necessary for each of the fiscal years 1997 and 1998."

MACK AMENDMENTS NOS. 5113–5116

Mr. MACK proposed four amendments to the bill, H.R. 3754, supra; as follows:

AMENDMENT NO. 5113

On page 8, after line 17 insert:

SEC. 7. (a) Notwithstanding section 1345 of title 31, United States Code, the Secretary of the Senate may reimburse any individual employed by the Senate day care center for the cost of training classes and conferences in connection with the provision of child care services and for travel, transportation, and subsistence expenses incurred in connection with the training classes and conferences.

(b) The Senate day care center shall certify and provide appropriate documentation to the Secretary of the Senate with respect to any reimbursement under this section. Reimbursements under this section shall be made from the appropriations account "MISCELLANEOUS ITEMS" within the contingent fund of the Senate on vouchers approved by the Secretary of the Senate.

(c) Reimbursements under this section shall be subject to the regulations and limitations prescribed by the Committee on Rules and Administration of the Senate for travel and related expenses for which payment is authorized to be made from the contingent fund of the Senate.

(d) This section shall be effective on and after October 1, 1996.

AMENDMENT NO. 5114

On page 8, after line 17, insert:

SEC. 6. Notwithstanding any other provision of law, any funds received during fiscal year 1996 by the Sergeant at Arms and Doorkeeper of the Senate in settlement of a contract claim or dispute, but not to exceed $1,450,000, shall be deposited into the appropriation account for fiscal year 1997 for the Sergeant at Arms and Doorkeeper of the Senate within the contingent fund of the Senate and shall be available in a like manner and for the same purposes as are the other funds in that account.

AMENDMENT NO. 5115

On page 8, between lines 17 and 18, insert the following:

SEC. . (a) The Secretary of the Senate, with the oversight and approval of the Committee on Rules and Administration of the Senate, shall oversee the development and implementation of a comprehensive Senate legislative information system.

(b) In carrying out this section, the Secretary of the Senate shall consult and work with officers and employees of the House of Representatives. Legislative branch agencies and departments and agencies of the executive branch shall provide cooperation, consultation, and assistance as requested by the Secretary of the Senate to carry out this section.

(c) Any funds that were appropriated under the heading "Secretary of the Senate" for expenses of the Office of the Secretary of the Senate by the Legislative Branch Appropriations Act, 1995, to remain available until September 30, 1998, and that the Secretary determines are not needed for development of a financial management system for the Senate may, with the approval of the Committee on Appropriations of the Senate, be used to carry out the provisions of this section, and such funds shall be available through September 30, 2000.

(d) The Committee on Rules and Administration of the Senate may prescribe such regulations as may be necessary to carry out the provisions of this section.

(e) This section shall be effective for fiscal years beginning on or after October 1, 1996.

AMENDMENT NO. 5116

On page 8, after line 17 insert:

SEC. 8. PAYMENT FOR UNACCRUED LEAVE.

(a) IN GENERAL.—The Financial Clerk of the Senate is authorized to accept from an individual whose pay is disbursed by the Secretary of the Senate a payment representing pay for any period of unaccrued annual leave used by that individual, as certified by the head of the employing office of the individual making the payment.

(b) WITHHOLDING.—The Financial Clerk of the Senate is authorized to withhold the amount referred to in subsection (a) from any amount which is disbursed by the Secretary of the Senate and which is due to or on behalf of the individual described in subsection (a).

(c) DEPOSIT.—Any payment accepted under this section shall be deposited in the general fund of Treasury as miscellaneous receipts.

(d) DEFINITION.—As used in this section, the term "head of the employing office" means any person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an individual whose pay is disbursed by the Secretary of the Senate.

(e) APPLICABILITY.—The section shall apply to fiscal year 1996 and each fiscal year thereafter.

WARNER AMENDMENT NO. 5117

Mr. MACK (for Mr. WARNER) proposed an amendment to the bill, H.R. 3754, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) The Congressional Research Service, in consultation with the Secretary of the Senate and the heads of the appropriate offices and agencies of the legislative branch and with the approval of the Committee on Rules and Administration of the Senate, shall coordinate the development of an electronic congressional legislative information and document retrieval system to provide for the legislative information needs of the Senate through the exchange and retrieval of information and documents among legislative branch offices and agencies. The Secretary of the Senate, with the oversight and approval of the Committee on Rules and Administration of the Senate, shall have responsibility for the implementation of this system in the Senate. All of the appropriate offices and agencies of the legislative branch shall participate in the implementation of the system.

(b) As used in this section—

(1) the term "legislative information" refers to that information and those documents produced for the use of the Congress by the offices and agencies of the legislative branch as defined in this section, and such other information and documents as approved by the Committee on Rules and Administration of the Senate;

(2) the term "offices and agencies of the legislative branch" means the Office of the Secretary of the Senate, the Office of Legislative Counsel of the Senate, the Office of the Architect of the Capitol, the General Accounting Office, the Government Printing Office, the Library of Congress, the Congressional Budget Office, and the Sergeant at Arms of the Senate; and

(3) the term "retrieval system" means the indexing of documents and data, as well as integrating, searching, linking, and displaying documents and data.

(c) The Library of Congress shall—

(1) assist the Congressional Research Service in supporting the Senate in carrying out this section; and

(2) provide such technical staff and resources as may be necessary to carry out this section.

LEAHY AMENDMENT NO. 5118

Mrs. MURRAY (for Mr. LEAHY) proposed an amendment to the bill, H.R. 3754, supra; as follows:

At the appropriate place, insert the following:

SEC. . For the purposes of the United States Senate Internet Service Usage Rules and Policies, Members of the Senate may post a link on Senate Internet Services to a private, public, or nonprofit company, organization, or municipality located or based in the Member's State if a disclaimer is included on the same page as the link specifying that the Member is not endorsing the private, public, or nonprofit company, organization, or municipality.

CHAFEE (AND OTHERS) AMENDMENT NO. 5119

Mr. CHAFEE (for himself, Mrs. FRAHM, Mr. STEVENS, Mr. LEAHY, Mr. MCCONNELL, and Mr. BINGAMAN) proposed an amendment to the bill, H.R. 3754, supra; as follows:

At the appropriate place in the bill insert the following new section:

SEC. . LIMITATION ON EXCLUSIVE COPYRIGHTS FOR LITERARY WORKS IN SPECIALIZED FORMAT FOR THE BLIND AND DISABLED.

(a) IN GENERAL.—Chapter 1 of title 17, United States Code, is amended by adding after section 120 of the following new section:

"§ 121. Limitations on exclusive rights: reproduction for blind or other people with disabilities

"(a) Notwithstanding the provisions of sections 106 and 710, it is not an infringement of copyright for an authorized entity to reproduce or to distribute copies or phonorecords of a previously published, nondramatic literary work if such copies or phonorecords are reproduced or distributed in specialized formats exclusively for use by blind or other persons with disabilities.

"(b)(1) Copies or phonorecords to which this section applies shall—

"(A) not be reproduced or distributed in a format other than a specialized format exclusively for use by blind or other persons with disabilities;

"(B) bear a notice that any further reproduction or distribution in a format other than a specialized format is an infringement; and

"(C) include a copyright notice identifying the copyright owner and the date of the original publication.

"(2) The provisions of this section shall not apply to standardized, secure, or norm-referenced tests and related testing material, or to computer programs, except the portions thereof that are in conventional human language (including descriptions of pictorial works) and displayed to users in the ordinary course of using the computer programs.

"(c) For purposes of this section, the term—

"(1) 'authorized entity' means a nonprofit organization or a governmental agency that has a primary mission to provide specialized services relating to training, education, or adaptive reading or information access needs of blind or other persons with disabilities;

"(2) 'blind or other persons with disabilities' means individuals who are eligible or who may qualify in accordance with the Act entitled "An Act to provide books for the adult blind", approved March 3, 1931 (2 U.S.C. 135a; 46 Stat. 1487) to receive books and other publications produced in specialized formats; and

"(3) 'specialized formats' means braille, audio, or digital text which is exclusively for use by blind or other persons with disabilities.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 17, United States Code, is amended by adding after the item relating to section 120 the following:

"121. Limitations on exclusive rights: reproduction for blind or other people with disabilities.".

McCAIN (AND FEINGOLD) AMENDMENT NO. 5120

Mr. FEINGOLD (for Mr. McCAIN, for himself and Mr. FEINGOLD) proposed an amendment to the bill, H.R. 3754, supra; as follows:

At the appropriate place in the bill, add the following:

SEC. . (a) Section 207(e)(1)(A) of title 18, United States Code, is amended by striking "1 year" and inserting "2 years".

(b) Paragraphs (2)(A), (3), and (4)(A) of section 207(e) of title 18, United States Code, are amended by striking "within 1 year after" and inserting "within 5 years after".

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, July 29, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ADMIT A GENERATION GAP

• Mr. SIMON. Mr. President, recently the Nashville News, of Nashville, IL, carried a column by Grover Brinkman, a former newspaper editor who is now 93 years old and lives in Monroe County, IL.

What he wrote for the Nashville News is a great combination of wisdom and humor. Those of us who have acquired the status of senior citizen—I am now 67—can appreciate the wisdom handed down by a 93 year old.

I ask that the Nashville News article by Grover Brinkman, be printed in the RECORD.

The column follows:

ADMIT A GENERATION GAP

(By Grover Brinkman)

How does one accept senior status with grace? Good question, isn't it! Perhaps some sage will have the right answer some day, but it's debatable.

One can turn hermit and play checkers in a nursing home. Or perhaps a better way . . . face the ticking clock in a humorous vein that has no negatives.

Or if deep thinking is part of your waking hours, check out some of the following questions:

Do you remember the time when you dimmed the lights for romantic reasons? Now you replace the 100 watt bulbs with 40s as an economy measure to stretch your Social Security dollars.

There are many memories of voluptuous gals in a halter and bikini; now a bit of this memorbilia triggers your pacemaker and raises the garage door.

Your house is much too large at the moment. When the kids were growing up, it was just the opposite.

A rocking chair was once used by grandma, now you're in it.

You bite down on one of those luscious red apples from the Pacific Northwest, and your newly-acquired dentures stay there.

You satisfy a whim to have your palm read, but the seer instead concentrates on your forehead, for the lines there are more distinctive.

You always insisted that burning the midnight oil was the routine that made life livable; now end of day seems to be nine o'clock.

You read only the headlines in the morning paper, for your tired eyes can't decipher the seven-point body text.

You get winded playing a game of dominoes with your grandson.

Most of the seniors at the center carry little black books, but now they contain only names with an added M.D.

If you get an occasional gleam in your eyes, it's probably the sun bouncing off your tri-focals.

Your realize that your entire body aches, and what doesn't, won't work. Even your toes at times have toothaches. (Or would the word toe-aches be better?)

Your children have a middle aged look, and your grand-kids are six feet-plus basketball giants.

You walk holding your head high, necessary to see the potholes high, necessary to see the potholes in the walk through your tri-focals.

You're still 15 around the collar, 54 around the waist, and 90 on the golf course.

When you go for a haircut, the barber trims more hair out of your nose and eyebrows than on your balding head.

Presumably you're well-versed, know most of the answers to today's problems, but no one asks for your opinion.

All your peers talk about the golden years, but you doubt if they have as much shiny metal as a new penny.

You used to take a pill or two at bedtime to keep a vigorous health, now they advise one to help you sleep.

Even a sip of your favorite wine seems to aggravate your ulcer, so you drink skim milk instead, remembering when you were a boy growing up on a boon-docks farm, they used skim milk only for hogs. Today it costs about as much as the real article. 'Taint fair!"

You awake at seven, at least with a bit of ginger in your time-tossed frame; by the noon hour you've degenerated well past 60, and by bedtime you're a centurion, too tired to put proper emphasis in a prayer.

You try to be entertaining, reciting pleasant memorabilia, but the young crowd think only of athletics, so you realize that you're trying to bridge a generation gap, and it simply doesn't work.

You despise nursing homes, but deep down you realize that they are the only bus stations, offering bed and board, between here and a tombstone.

One of your role models, the late Dr. Norman Vincent Peale, insisted that the only way to solve life's problems was in daily positive thinking, but you admit that on many things you're as negative as the minus-post on your car battery.

In your youth, you couldn't wait to tie the knot with your best gal and start a family; now you fumble in tying the knots in your shoe laces.

Health authorities insist that you include plenty of fiber in your daily diet, but a bowl of chicken soup is far easier to masticate.

You love chocolate in all of its forms but your arthritis does not.

When more and more people, some of them strangers, keep calling you Pops, you know definitely that a generation gap exists.

Leg cramps are now a nightly experience. But as a youngster, the only cramps you knew were deep stomach wretching called cholera morbus, after you'd eaten too many green apples.

But it's still a good life despite negative viewpoints. In fact it's the only thing left, come to think of it. You're old, stubborn as the proverbial Missouri mule, but still confident that you'll be around for a few more moons, awaiting the day when the good Lord throws in the final towel.

There is one consoling thought in this treatise on longevity—scores of old friends are up there, holding open the gate. Some of them, with genes shorter lived than mine, have been holding open that gate for a long time.

I don't have the genes of a Methuselah, but I'm running neck and neck with Bob Hope, and that would tickle anyone's hormones. Grow old, but don't let senility be a part of it!•

BALDWIN FIRE DEPARTMENT CELEBRATING 100

• Mr. D'AMATO. Mr. President, I rise today to speak on behalf of the Baldwin Fire Department as they gear up to celebrate 100 years of volunteer fire service to Baldwin, NY.

Baldwin was a small hamlet in 1896 when, on a cold January night, the general store at its center caught fire after a kerosene lantern was dropped. The neighboring Freeport volunteers were summoned to save the surrounding buildings. Shortly thereafter a group of civic leaders met to organize fire protection in and for Baldwin. A committee was formed to raise funds and the department was officially organized on February 8. Initial equipment was purchased for $680 and the department went into service in April of 1896. There were 40 volunteers who were required to pay $3.90 each for their uniforms which consist of a cap, a white sweater lettered "Baldwin" and a belt. At that time the alarm was a railroad locomotive wheel rim hung from two poles and rung by a large sledgehammer. John H. Carl served as chief for the first 4 years. After 2 years, a permanent firehouse was built and a proper alarm bell was installed. The department had strong support from the community and the mortgage on this firehouse was paid off in May 1905.

Since those humble beginnings, the Baldwin Fire Department has kept pace with firefighting techniques and developments and attained its present size of 226 members among its seven companies. The present apparatus consists of seven pumpers, two tower ladders, one heavy rescue truck, two ambulances, two water rescue boats on trailers, and four chief's vehicles. In 1995 this all-volunteer fire and rescue service responded to 1,783 alarms. Currently it is led by Chief James Bugler. His deputy chiefs are John Coughlin, Keith Eckels, and Henry Chambers. Gary Eckels serves as chief of fire prevention, as public information officer, and as a fire commissioner.

One of the biggest events ever held in Baldwin will take place on Saturday,

August 10, to commemorate the 100th anniversary of the Baldwin Fire Department. The day will begin with some lively firefighter competitions. Later in the day a centennial parade will be led by the U.S. Marine Corps Band, followed by the world famous Budweiser Clydesdales, thousands of firefighters, hundreds of fire trucks, and many other participants. This will truly be a once-in-a-lifetime event; a celebration of life, good works, and community spirit which has been displayed by the Baldwin Fire Department over 100 years of change. Many pieces have been woven together over the years to bring us to this great day; a day of celebration, a day to salute all of those who have given of their very selves to better community, to better America. Mr. President, I salute the brave men and women of the Baldwin Fire Department and wish them many more years of continued success.●

THE UNITED NATIONS SECRETARY-GENERAL

● Mr. SIMON. Mr. President, the United States has made clear its intention to veto a second term for United Nations Secretary-General Boutros Boutros-Ghali. This unfortunate opposition to his reelection was the subject of a column I wrote for Illinois newspapers, which I ask be printed in the RECORD.

The column follows:

A MISSTEP BY THE UNITED STATES

(By Senator Paul Simon)

Suppose a local Rotary Club had the community's most wealthy and powerful citizen, Sam Smith, as a member. Imagine that the Rotarians had a dues system that reflected the ability to pay, so that wealthy Sam Smith paid more in dues than any other Rotarian.

To complicate the story, Sam Smith is far back in the payment of his dues, so far back that the money he owes amounts to almost the total budget of the club for a year.

The president of the Rotary Club is up for reelection, and most of the members want him reelected, but Mr. Big, Sam Smith, says no.

How popular do you think Sam Smith would be with the other Rotarians? Would his influence rise or fall? And what will the other Rotarians do in their election of a president?

The story is true.

Only the "club" is called the United Nations. The wealthy deadbeat member is called Sam, Uncle Sam. Most of the UN members believe that Secretary General Boutros-Ghali is doing a good job, despite being hampered by approximately $1.4 billion that the United States owes but has not paid.

But the United States has made clear that we want to veto his reelection as Secretary-General.

The other nations, already too often unimpressed by our uncertain leadership in foreign policy, are not pleased with what we are doing, believing it is dictated by domestic political considerations.

In 1978, President Jimmy Carter designated me as one of the delegates to a two-month session of the United Nations, and I have followed the UN and its work with more than casual interest.

My impression is that overall the United Nations performs a vital service and a good job, not perfect, and that Boutros-Ghali has been a hard-working, effective leader—hampered in part by the United States talking a great game, but not paying our dues.

Egypt is the home of the Secretary-General, and as an Egyptian he is also an African. Africa sometimes is called "the dark continent." It is more accurately described as the ignored continent.

One little-known fact is the gradual spread of democracy in Africa, some of them fledgling democracies that deserve more encouragement from the United States and other nations.

African countries take pride in having Boutros-Ghali as the Secretary-General.

Our opposition to him is coupled with other realities that they see: President Clinton has never visited Africa. Secretary of State Warren Christopher has not visited any sub-Saharan country since he has been Secretary, compared to 24 visits to Syria.

Our inattention, coupled with our unfortunate open opposition to the reelection of the Secretary-General, has not made us any friends.●

BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through July 26, 1996. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1996 concurrent resolution on the budget (H. Con. Res. 67), show that current level spending is above the budget resolution by $15.5 billion in budget authority and by $14.3 billion in outlays. Current level is $109 million below the revenue floor in 1996 and $5.5 billion above the revenue floor over the 5 years 1996–2000. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $260.0 billion, $14.3 billion above the maximum deficit amount for 1996 of $245.7 billion.

Since my last report, dated July 8, 1996, Congress has cleared for the President's signature an Act Amending the Foreign Assistance Act of 1961 and the Arms Export Control Act (H.R. 3121), an Act for the Relief of Benchmark Rail Group, Inc. (H.R. 419), an Act for the Relief of Natham C. Vance (S. 966) and the Taxpayer Bill of Rights 2 (H.R. 2337). These actions have changed the current level of budget authority, outlays and revenues.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 29, 1996.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1996 shows the effects of Congressional action on the 1996 budget and is current through July 26, 1996. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1996 Concurrent Resolution on the Budget (H. Con. Res. 67). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report, dated July 2, 1996, Congress has cleared for the President's signature an Act Amending the Foreign Assistance Act of 1961 and the Arms Export Control Act (H.R. 3121), an Act for the Relief of Benchmark Rail Group, Inc. (H.R. 419), an Act for the Relief of Nathan C. Vance (S. 966) and the Taxpayer Bill of Rights 2 (H.R. 2337). These actions have changed the current level of budget authority, outlays and revenues.

Sincerely,

JUNE E. O'NEILL,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1996, 104TH CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS JULY 26, 1996

[In billions of dollars]

	Budget resolution (H. Con. Res. 67)	Current level	Current level over/ under resolution
ON-BUDGET			
Budget authority[1]	1,285.5	1,301.0	15.5
Outlays[1]	1,288.2	1,302.4	14.3
Revenues:			
1996	1,042.5	1,042.5	−0.1
1996–2000	5,691.5	5,697.0	5.5
Deficit	245.7	260.0	14.3
Debt subject to limit	5,210.7	5,092.8	−117.9
OFF-BUDGET			
Social Security outlays:			
1996	299.4	299.4	0.0
1996–2000	1,626.5	1,626.5	0.0
Social Security revenues:			
1996	374.7	374.7	0.0
1996–2000	2,061.0	2,061.0	0.0

[1] The discretionary spending limits for budget authority and outlays for the Budget Resolution have been revised pursuant to section 103(c) of P.L. 104–121, the Contract with America Advancement Act.

Note.—Current level numbers are the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996 AS OF CLOSE OF BUSINESS JULY 26, 1996

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions			
Revenues			1,042,557
Permanents and other spending legislation	830,272	798,924	
Appropriation legislation		242,052	
Offsetting receipts	−200,017	−200,017	
Toal previously enacted	630,254	840,958	1,042,557
Enacted in 1st session			
Appropriation bills:			
1995 Rescissions and Department of Defense Emergency Supplementals Act (P.L. 104–6)	−100	−885	
1995 Rescissions and Emergency Supplementals for Disaster Assistance Act (P.L. 104–19)	22	−3,149	
Agriculture (P.L. 104–37)	62,602	45,620	
Defense (P.L. 104–61)	243,301	163,223	

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996 AS OF CLOSE OF BUSINESS JULY 26, 1996—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Energy and Water (P.L. 104–46)	19,336	11,502	
Legislative Branch (P.L. 105–53)	2,125	1,977	
Military Construction (P.L. 104–32)	11,177	3,110	
Transportation (P.L. 104–50)	12,682	11,899	
Treasury, Postal Service (P.L. 104–52)	23,026	20,530	
Offsetting receipts	−7,946	−7,946	
Authorization bills:			
Self-Employed Health Insurance Act (P.L. 104–7)	−18	−18	−101
Alaska Native Claims Settlement Act (P.L. 104–42)	1	1	
Fishermen's Protective Act Amendments of 1995 (P.L. 104–43)		(5)	
Perishable Agricultural Commodities Act (P.L. 104–48)	1	(5)	1
Alaska Power Administration Sale Act (P.L. 104–58)	−20	−20	
ICC Termination Act (P.L. 104–88)			(5)
Total enacted first session	366,191	245,845	−100
Enacted in 2d session			
Appropriation bills:			
Ninth Continuing Resolution (P.L. 104–99)[1]	−1,111	−1,313	
District of Columbia (P.L. 104–122)	712	712	
Foreign Operations (P.L. 104–107)	12,104	5,936	
Offsetting receipts	−44	−44	
Omnibus Rescission and Appropriations Act of 1996 (P.L. 104–134)	330,746	246,113	
Offsetting receipts	−63,682	−55,154	
Authorization bills:			
Gloucester Marine Fisheries Act (P.L. 104–91)[2]	14,054	5,882	
Smithsonian Institution Commemorative Coin Act (P.L. 104–96)	3	3	
Saddleback Mountain Arizona Settlement Act (P.L. 104–102)		−7	
Telecommunications Act of 1996 (P.L. 104–104)[3]			
Farm Credit System Regulatory Relief Act (P.L. 104–105)	−1	−1	
National Defense Authorization Act of 1996 (P.L. 104–106)	369	367	
Extension of Certain Expiring Authorities of the Department of Veterans Affairs (P.L. 104–110)	−5	−5	
To award Congressional Gold Medal to Ruth and Billy Graham (P.L. 104–111)	(5)	(5)	
An Act Providing for Tax Benefits for Armed Forces in Bosnia, Herzegovina, Croatia, and Macedonia (P.L. 104–117)			−38
Contract with America Advancement Act (P.L. 104–121)	−120	−6	
Agriculture Improvement and Reform Act (P.L. 94–127)	−325	−744	
Federal Tea Tasters Repeal Act of 1996 (P.L. 104–128)			(5)
Antiterrorism and Effective Death Penalty Act (P.L. 104–132)			2
Total enacted second session	292,699	201,740	−36
Passed pending signature			
An Act to Amend the Foreign Assistance Act of 1961 and the Arms Export Control Act (H.R. 3121)	−72	−72	
An Act for the Relief of Benchmark Rail Group, Inc. (H.R. 419)		1	
An Act for the Relief of Nathan C. Vance (S. 966)	(5)	(5)	
The Taxpayer Bill of Rights 2 (H.R. 2337)			−30
Total passed pending signature	−72	−71	−30
Entitlements and mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	11,913	13,951	
Total current level[4]	1,300,986	1,302,424	1,042,391
Total budget resolution	1,285,515	1,288,160	1,042,500
Amount remaining:			
Under budget resolution			109
Over budget resolution	15,471	14,264	

[1] P.L. 104–99 provides funding for specific appropriated accounts until Sept. 30, 1996.

[2] This bill, also referred to as the sixth continuing resolution for 1996, provides funding until Sept. 30, 1996, for specific appropriated accounts.

[3] The effects of this Act on budget authority, outlays, and revenues begin in fiscal year 1997.

[4] In accordance with the Budget Enforcement Act, the total does not include $4,753 million in budget authority and $2,657 million in outlays for funding of emergencies that have been designated as such by the President and the Congress.

[5] Less than $500,000.

THE WHITEWATER INVESTIGATION

• Mr. SIMON. Mr. President, the recently completed report on the investigation of Whitewater development and related matters was a costly political exercise. I was a member of that special committee and wrote about the committee's findings in a weekly column that was distributed to newspapers in Illinois.

I ask that it be printed in the RECORD.

The column follows:

THE WHITEWATER INVESTIGATION WAS A COSTLY POLITICAL EXERCISE

(By Senator Paul SIMON)

The Senate Whitewater investigation resulted in a political exercise that contributed nothing, except to add to public cynicism and confirming the already widespread belief that in Congress we are playing partisan games rather than tending to the nation's and the public's real needs.

Obviously some people broke the law in the Whitewater events, but the evidence indicated neither a violation of the law nor of ethical standards by Bill Clinton or Hillary Clinton while he served either as President or as Governor of Arkansas.

But the misuse of the FBI files is another matter. Both the White House and the FBI are at fault. The President probably is not personally involved, but it happened in his White House and administration and it should not be treated as a minor mess-up by the President or his staff. The misuse of police powers by governments is as old as governments themselves, and something that must be constantly guarded against.

The abuse of the FBI files comes at a time when there are two other abuses.

One is the Senate investigation which spent almost $2 million, received testimony from 139 witnesses, and took more time than any investigation of a sitting President in our history—longer than the Watergate or Iran-Contra hearings. "Where there is smoke there must be fire" is an old saying, but those hearings were designed to create smoke. Not only is there a product of questionable worth, we took testimony from many individuals who never in their lives thought they would testify before a Senate Committee, such as secretaries. Some were terrified by the combination of coming before a committee and being on national television.

A second abuse is the multiplying like rabbits of special counsels—really special prosecutors—with no limits on their expenses and their ability to use huge resources from the FBI and other agencies. I voted for the law creating the special counsel, but now I sense we need a better answer.

Since the FBI and the work of U.S. attorneys fall under the jurisdiction of the Attorney General, my sense is that we should review the possibility of a change in how we structure that office. It differs from other cabinet posts in its broad police and prosecutorial responsibilities, and the recent FBI debacle and the runaway habits of the special prosecutors, might provide an incentive to the next Congress and President to look at this question.

For example, we might have an Attorney General appointed for a 10-year term, with a small bipartisan group giving the President a list of five names to choose from, and also giving him the ability to request a new list of names if he found them unsatisfactory, but still requiring confirmation by the Senate. And then have no special prosecutors.

This is not a criticism of Janet Reno, who is a much-above-average Attorney General. Another example of a good appointment is President Gerald Ford's naming of Ed Levi, then president of the University of Chicago. No one felt that at any time Gerald Ford could get Ed Levi to do anything but what he believed was in the best interests of the nation. That is the way it should be.

My hope is that out of the present minstorms something constructive can happen.•

INDIGENOUS CONSERVATIONIST OF THE YEAR AWARD HIS MAJESTY KING TAUFA'AHAU TUPOU IV

• Mr. INOUYE. Mr. President, all Americans are concerned about the world's environment and how to protect it. Parts of the world not close to most of us still affect all of us greatly. One part of the world that is remote to most Americans, but vitally important to all of our welfare, is the rain forest. All of us are endangered by the destruction of rain forests that is occurring all over the world. The rain forests constitute unique and irreplaceable ecosystems sometimes called the lungs of the earth. In addition to their function in replenishing the Earth's atmosphere, the rain forests provide essential protection against global warming, contain hundreds of plants found nowhere else on Earth, house many animals unique to the rain forests alone, and provide protection against destruction of coral reefs and marine life. I would like to bring to your attention the efforts to save these vital systems and to recognize an individual who is being honored for his own efforts to save the rain forests.

His Majesty King Taufa'ahau Tupou IV of the Kingdom of Tonga has been selected to receive this year's Seacology Foundation Award as the Indigenous Conservationist of the Year in recognition of his superb efforts to preserve the rain forest and indigenous Polynesian culture. His Royal Highness' successes include providing royal protection for the peka or flying fox colony in Kolovai Village in Tongatupu Island. He is also responsible for protecting the primary forest of 'Eau Island and for establishing a system of nature preserves throughout the Kingdom of Tonga. None of these achievements would have occurred without His Royal Highness.

Seacology Foundation is a nonprofit foundation founded to help protect island ecosystems and island cultures. Seacology scientists include experts in endangered species, island flora and fauna, and island ecosystems. One hundred percent of the money donated to

Seacology goes directly to building schools, hospitals, installing safe water supplies, and meeting other needs of the rain forest villagers so that they will not have to sell off the rain forest to survive. Seacology scientists donate their time as well.

I congratulate His Majesty King Taufa'ahau Tupou IV and the Seacology Foundation for all of their efforts.

I ask that the letter from Paul Alan Cox, Ph.D., chairman of the board of the Seacology Foundation, to His Royal Highness be printed in the RECORD.

THE SEACOLOGY FOUNDATION,
Springfield, UT, December 15, 1995.

His Majesty King TAUFA'AHAU TUPOU IV,
The Kingdom of Tonga.

YOUR ROYAL HIGHNESS: It is with deepest respect that I inform your royal highness that you have been selected as the 1996 Indigenous Conservationist of the Year by the Seacology Foundation. This annual award is made to honor those indigenous people who have performed heroic service in preserving their own ecosystems and cultures.

After careful consideration of the activities of your majesty in providing royal protection for the peka or flying fox colony in Kolovai Village in Tongatapu island (which is the oldest flying fox refuge in the world), for your protection of the primary forest of Eua island, for your support in establishing a system of nature preserves throughout the Kingdom of Tonga, and for your life-long service as an interpreter and custodian of Tongan culture, both ancient and modern, the Scientific Advisory Board of the Seacology Foundation has unanimously voted to honor your majesty with this award, which is the most prestigious conservation award for indigenous people in the world.

The Seacology Foundation invites you, at our expense, to attend an award dinner in your honor and a presentation ceremony in Salt Lake City, Utah to receive your award, which will consist of an engraved plaque and a cash award of $1,000. Fine Nau and I will meet with you personally to arrange a convenient date for this event.

Because of your stellar service, both public and private to conservation, and because of the tremendous example of dedication and courage that you have set for your own people—the Polynesian Islanders—and for indigenous peoples throughout the world, the Seacology Foundation is pleased to bestow upon you the most distinguished award for indigenous conservation in the world by naming you 1996 Indigenous Conservationist of the Year. We offer you our sincere appreciation for your tremendous devotion to protecting this planet.

Warmest personal regards,

NAFANUA PAUL ALAN COX, Ph.D.,
Chairman of the Board.•

THE DEFENSE DEPARTMENT AUTHORIZATION

• Mr. SIMON. Mr. President, the annual Defense Department authorization passed by the Senate would create a Corporation for the Promotion of Rifle Practice and Firearms Safety. In a weekly column that is distributed to newspapers in Illinois, I discussed this useless and wasteful program.

I ask that the column be printed in the RECORD.

The column follows:

A BOONDOGGLE FOR THE NRA

(By Senator Paul Simon)

Buried in the annual Defense Department authorization bill is an outrageous gift of $77 million that will benefit something called the Corporation for the Promotion of Rifle Practice and Firearms Safety.

This corporation is the new "private" incarnation of the old National Rifle Association-backed Civilian Marksmanship Program. This program was intended to make sure people could shoot straight in case they entered the military. In recent years, however, it has simply funneled cash, weapons and ammunition to private gun clubs, thanks to the power of the NRA.

Until a Federal judge ruled it unconstitutional in 1979, gun clubs which participated in this program were required to be NRA members.

Under public pressure to eliminate this useless and wasteful program, Congress "privatized" the program last year.

In fact, the corporation is private in name only. When the corporation becomes fully operational in October of this year it will be given by the Army: 176,218 rifles the Army views as outmoded, but valued at $53,271,002; Computers, vehicles, office equipment and other related items valued by the Army at $8,800,000; 146 million rounds of ammunition valued by the Army at $9,682,656; $5,332,000 in cash.

That totals $77,085,658.

Our friends in the National Rifle Association strongly back this measure and it appears to be a boondoggle for them.

What the Army should do with outmoded weapons is to destroy them. Our government has a theoretical policy that it does not sell federally owned weapons to the public. The Civilian Marksmanship Program violates this policy, and the new corporation would continue to violate it.

Why we should be subsidizing rifle practice—which is the theory behind this—baffles me. Hardly any of those who will use the weapons will enter into the armed forces. The Defense Department did not request this.

I had never fired a rifle or handgun before entering the Army, and with minimal training I became a fair-to-good marksman.

Senator Frank Lautenberg of New Jersey and I tried to eliminate this incomprehensible expenditure from the bill and we got only 29 votes for our amendment. The NRA still has power.

We should be reducing the numbers of weapons in our society, not increasing them.

A government policy of destroying weapons and not selling outmoded guns to the public is sound.

While rifles are not the primary weapons for crime—pistols are—some of those 176,000 weapons will get into the hands of people who should not have them. If 1 percent reach someone who is irresponsible, that is 1,760 weapons.

Let me in advance extend my sympathy to the families of the people who will be killed by these weapons. They will be needless victims of this folly.•

U.S. AID TO AFRICA

• Mr. SIMON. Mr. President, The salaries of the most elite professional basketball players who became free agents and signed contracts during a 1-week period in July outstripped the amount of United States development aid to all African nations except Egypt. I discussed this development in a weekly column written for newspapers in my State and ask that it be printed in the RECORD.

The column follows:

NBA Star Pay Shoots Past U.S. Development Aid To Africa

(By Senator Paul Simon)

Ask people at any town meeting whether we are spending too much money on foreign aid and there will be a resounding "yes" response—but there would not be if they knew the facts.

The world's poorest continent is Africa, and this year we are spending $628 million in development aid to African nations, if Egypt is excluded from the calculation.

Compare that with the total for the contracts signed July 11th to July 18th for free agents with the National Basketball Association: $927 million.

Twenty-nine African nations have total government revenue less than the amount paid to these star athletes.

I have no objection to the money earned by Michael Jordan and the others. They are players of unbelievable talent. And the people of the nation are not making any great sacrifice to provide these funds for them.

Nor are we making a great sacrifice in foreign aid.

That $628 million in aid to Africa compares to $1.2 billion we get from one cent of gasoline tax in the United States. So the aid to Africa is slightly more than one-half cent a gallon, if we were to use the gasoline tax to pay for it, which we are not.

The United States was once the most generous nation in helping the poor beyond our borders. Now, of the nations of Western Europe and Japan, Australia and New Zealand, we are dead last.

We once gave almost 3 percent of our national income to help the needy beyond our borders, and now we give less than one-sixth of 1 percent. Norway gives eight times as much as we do, in percentage terms.

Foreign aid is less than 1 percent of our Federal budget. And the total is getting smaller each year.

Should we be doing a better job of giving opportunity to the poor here at home?

Of course we should. And those of us who advocate doing more to help the poor at home are the same ones who advocate helping them beyond our borders.

If instead of giving the Defense Department $18 billion more than they requested for this year and next, which we are doing, we were to devote one-third of that amount to helping the poor here at home, one-third to helping the impoverished in other countries, and one-third to reduce the deficit, we would have a stronger nation, a better nation, and a more stable world.

The United States is gradually becoming more short-sighted and provincial both at home and abroad. "Let's take care of ourselves," is the cry, and "ourselves" excludes the poor at home and the poor abroad.

And so we fall far behind in paying our United Nations dues, and do not provide adequate leadership in troubled areas at home and abroad.

Congressman Ray Thornton of Arkansas suggested that the United States should have a Marshall Plan for impoverished areas of our Nation. He is right. We need it both here and for other nations.

But that requires creativity, courage and compassion by leaders. "Welfare reform" for too many has become a code phrase for bashing the poor even more, though genuine reform is obviously needed.

The nation that led the world with the exciting and compassionate and sensible Marshall Plan is now a nation in retreat. We are now a nation that pays more money to a few professional basketball players than we spend to give opportunity to the people of Africa.

We can do better.●

THE POLITICS OF WHITEWATER

● Mr. SIMON. Mr. President, my attention has been called to an article in the Miami Herald by Ernest Dumas, who is described in the Miami Herald as "Sometime critic of Bill Clinton who teaches journalism at the University of Central Arkansas, and writes a column for the Arkansas Times. A former political writer, and associate editor of the Arkansas Gazette in Little Rock, he wrote this article for the Herald."

I don't believe I've ever met Mr. Dumas, but he has written an article that gives a perspective on the Whitewater situation that I frankly have not seen in the media elsewhere.

I call this to the attention not only of my colleagues in the Senate and in the House, but I call this to the attention of editorial writers who may be looking through the CONGRESSIONAL RECORD.

It gives a very different perspective on "The Politics of Whitewater."

I ask that the Miami Herald article be printed in the CONGRESSIONAL RECORD.

The article follows:

[From the Miami Herald, June 23, 1996]

THE POLITICS OF WHITEWATER

(By Ernest Dumas)

When Sens. Jesse Helms and Lauch Faircloth, the North Carolina Republicans, had lunch in 1994 with their old friend and protege, Judge David R. Sentelle of the U.S. Court of Appeals for the District of Columbia, even they must have have fathomed the importance of what Sentelle was about to agree to do.

His Judicial panel would remove Robert B. Fiske Jr. as the independent counsel for Whitewater and replace him with a far more doctrinaire Republican, Kenneth W. Starr, who had lost his job as solicitor general when Bill Clinton became president and who was representing the Republican National Committee and groups hostile to the Clinton administration, including the tobacco industry.

Starr would keep the Whitewater investigation on track for the 1996 presidential election all right, but he would prove far more valuable to his party.

The majority report of the Senate Special Whitewater Committee last week said the two lending institutions that were the heart of the scandal were "piggy banks for the Arkansas political elite."

It was half true. A who's who of Arkansas Republicans had helped David L. Hale plunder his federally subsidized small business investment company.

Hale, who triggered the Whitewater investigation and the appointment of an independent prosecutor when he accused President Clinton of asking him to make an illegal loan in 1986, actually was illegally channeling federal tax dollars into the campaign of Clinton's Republican opponent. Moreover, according to his testimony at the trial in April, he was paying the Republican state chairman to help him defraud the federal Small Business Administration. Another former state Republican chairman and perennial candidate was on the books for a substantial federally subsidized loan when the Clinton administration moved to shut Hale down in 1993. Other prominent Republicans collaborated with Hale to skim money from the company.

Other than Gov. Jim Guy Tucker, then a private businessman, and the ubiquitous James D. McDougal himself, the owner of Madison Guaranty Savings and Loan Corp., no Democratic political figure had anything to do with the dummy companies and scams that Hale ran.

Thanks to Kenneth Starr, this is not the picture Americans got of Whitewater.

Not only did Starr not seek indictments against the Republicans when they began to turn up on every chapter of the examinations of Hale's small-business lending company, he did not call them as witnesses at the trial at Little Rock. The prosecutors persuaded the trial judge not to allow the deeds of Hale's Republican collaborators to be used as proof of selective prosecution. It would have confused the picture of Whitewater, a story about the rascality of Bill Clinton and his Democratic friends.

The special prosecutor's refusal to explore any of the Republican bigwigs to the glare of trial—while leveraging misdemeanor pleas from many spear carriers in the real estate deals who made no profits from the deals—makes a compelling case that the investigation is politically motivated and the prosecution selective.

Hale ran a federally licensed and subsidized small business investment company at Little Rock called Capital Management Services, which in 1992 applied to the Small Business Administration for another $45 million. It claimed an expanded capital base. He didn't get approval before the election and Clinton's SBA in 1993 got suspicious. When auditors began digging into the company's records, Hale told the SBA to just forget the whole thing. Clinton's new SBA director, Erskine Bowles, referred the matter to the Justice Department. When the SBA put Hale's company in receivership, 86 percent to fits loans were overdue and its accumulated losses exceeded its private capital by 171 percent.

On July 20, 1993, the FBI raided Hale's offices and confiscated his files. By August Clinton's new U.S. attorney for the Eastern District of Arkansas, Paula Casey, prepared to ask a federal grand jury to indict Hale for defrauding the SBA.

What the SBA inspectors and the FBI had found was that Hale had essentially been dealing with himself and a few cronies, including two state Republican chairmen and other Republican politicians and, briefly, seven years earlier, Jim McDougal and Jim Guy Tucker, then a private citizen licking the wounds of a crushing defeat at the hands of Bill Clinton in the 1982 governor's race.

Hale's story about Clinton asking him to make an illegal loan to one of his old business partners seems implausible because Hale at the time was funneling money illegally from his small business development company into the campaign of Clinton's Republican opponent, former Gov. Frank White, who had appointed Hale to his municipal judgeship in 1981.

Here are details about some of the Arkansas Republicans who have avoided the harsh light of Special Prosecutor Starr:

Hale's fellow municipal judge, Bill Watt, testified at the April trial that Hale had written a $10,000 check to the company headed by his law partner, Richard M. Grasby, the Republican county chairman, with directions that $2,000 of it be laundered and put into White's campaign against Clinton. Watt contributed $1,000 in the name of his secretary and $1,000 in the name of the secretary's daughter. The gifts never showed up in White's campaign reports. White says he doesn't think he got them. Using the proceeds of a federally backed small business loan for political gifts is illegal. Defense attorneys elicited the story from Watt, a prosecution witness.

Starr is prosecuting two rural bankers this week on charges that they arranged $13,000 in contributions to Clinton's campaign and reimbursed themselves by padding their expenses at the bank. The gifts to White's campaign from federal funds seemed to be analogous, but Starr passed when the gifts came to light last year.

More intriguing was Starr's pass on Bob Leslie, a Little Rock lawyer who was the state Republican chairman and later national committeeman, during the 1980s. Leslie had been the Republican candidate for Congress from South Arkansas' Fourth District in 1982. When Hale was on the stand, a defense lawyer, Bobby McDaniel of Jonesboro, asked him about a $20,000 SBA-guaranteed loan to Leslie. Hale said it was a "pay-off" for Leslie's help in a scheme to defraud the Small Business Administration. Leslie had written legal opinions to the SBA saying Hale qualified for more SBA funds when he didn't.

"He had a tax problem, and I loaned that money to him," Hale said, "The U.S. attorney said they were not going to charge him."

Leslie wasn't called as a witness. He told reporters he had done nothing wrong.

Hale also made a federally backed loan of $275,000 to a minority mortgaging company Leslie formed, which was not repaid. Leslie told a reporter that he actually didn't get to use the money.

Hale had an unusual affinity for Republican chairmen. Leslie's predecessor as state chairman was Ken Coon, the Republican nominee for governor in 1974 and an unsuccessful candidate for Congress in the Republican primary last month.

When he applied to the SBA for leverage capital the last time, Hale listed Coon as the recipient of a substantial loan for a disadvantaged business if the SBA was forthcoming. Coon was a director of a burial insurance company Hale owned.

Another rising Republican star who became entangled in Hale's web but was ignored by the special prosecutor was Robert Boyce, a young businessman who ran unsuccessfully for the legislature in 1992 from Little Rock's silk-stocking Pulaski Heights district.

Boyce was president of a company that was supposed to handle liquidation sales for stores going out of business. In November 1988 Hale wired $300,000 into Boyce's account and he wrote checks totaling $250,000 to two men who were later convicted of conspiring with Hale to defraud the SBA. Boyce told SBA inspectors in 1994 that while he was the purported owner and president of Retail Liquidators Hale secretly owned it and used it

as a front to obtain loans from his SBA lending company. Federal law bars small business lending companies from lending to the owners.

Boyce wasn't charged or called as a witness at the trial.

The most fetching story is that of Sheffield Nelson, the former Republican state chairman and now the Republican national committeeman from Arkansas. Nelson, the former president of Arkansas Louisiana Gas Co., the state's largest natural gas distributor, was the Republican nominee for governor in 1990 against Clinton and would be defeated again, this time by Tucker, in 1994.

It was Nelson who arranged for Jim McDougal, a friend and business partner, to tell a New York Times reported in 1992 about his ancient Whitewater land deal with the Clintons.

Unlike the Clintons, who lost money, Nelson and his pal, Jerry Jones, owner of the Dallas Cowboys, profited immensely from real-estate dealings with McDougal.

While perusing the want ads of The Wall Street Journal in the early '80s, McDougal was attracted by an ad for the sale of land on Campobello Island, off the coast of Maine, President Franklin D. Roosevelt, McDougal's idol, had summered there as a youth. The owners wanted $825,000 for 3,400 acres.

Convinced that the land could be developed for quick resale, McDougal persuaded Nelson and Jones to invest with him. Nelson and Jones put up $225,000 each. It was the first real estate venture for McDougal's new thrift, Madison Guaranty. The savings and loan subsequently would put up millions of dollars to develop the desolate and blustery land but the agents would never find buyers.

Despite the early charges, Whitewater Development Corp., the Clintons' partnership with the McDouglas, never cost Madison Guaranty and the American taxpayers a penny. But Campobello Estates cost them plenty. It was the single biggest contributor to the S&L's demise. The Federal Home Loan Bank Board warned as early as 1984 that the investment was imprudent and that it was imperiling the thrift's solvency. Nelson and Jones never put anything more into it. It was Madison's money.

After McDougal was ousted from the management of Madison in 1986 and it was closed in 1989, the Resolution Trust Corp. found itself owning Campobello. Nelson and Jones wanted out of the deal. Amazingly, an old football-playing buddy of Jones at the University of Arkansas, Tommy Trantham, had been appointed supervisor of Madison. Trantham arranged for Madison to buy out Nelson and Jones at a handsome profit of $136,500 each, a buy-out ultimately borne by the taxpayers. The RTC, then under the George Bush administration, approved the buy-out.

William Seidman, who headed the Federal Deposit Insurance Corp. and the RTC at times during the banking and thrift crises, later expressed shock at the buy-out. His experience, he told The Fort Worth Star Telegram, was that limited partners didn't even get their money back, much less a hefty profit.

Nelson's and Jones' roles never surfaced in the special prosecutor's case. They never got a summons from Sen. Alfonse D'Amato, R-N.Y., to explain themselves before the Senate Whitewater Committee.

It is this selective prosecution that is the peril of political investigations like Starr's. The prosecutor does not try to solve a crime and punish the perpetrator but to identify one subject or group and then find a crime. "Therein lies the most dangerous power of the prosecutor." Justice Robert Jackson of the U.S. Supreme Court, who would be the chief prosecutor at Nuremberg, warned in 1940, "that he will pick people that he thinks he should get, rather than cases that need to be prosecuted. With the law books filled with a great assortment of crimes a prosecutor stands a fair chance of finding at least a technical violation of some act on the part of almost anyone."

With 50 FBI agents and an army of attorneys at his disposal and boundless jurisdiction, the Whitewater prosecutor's problem was that he found more than he cared to prosecute, and in exactly the wrong places.●

ORDERS FOR TUESDAY, JULY 30, 1996

Mr. MACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Tuesday, July 30; further, that immediately following the prayer, the Journal of the proceedings be deemed approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and the Senate immediately resume the energy and water appropriations bill under a previous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MACK. Mr. President, at the hour of 10 a.m. on Tuesday, the Senate will begin a series of rollcall votes with respect to the energy and water appropriations bill and the legislative branch appropriations bill. Senators should be on notice that all votes in the voting sequence, after the first vote, will be limited to 10 minutes in length.

I ask unanimous consent that the Senate stand in recess between the hours of 12:30 p.m. and 2:15 p.m. in order for the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. Mr. President, the Senate can be expected to be in session late into the evening each day this week in order to consider appropriations bills and conference reports as they become available.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MACK. Mr. President, if there is no further business to come before the Senate, I ask that the Senate now stand in adjournment under the previous order.

There being no objection, the Senate, at 6:56 p.m. adjourned until Tuesday, July 30, 1996, at 9:30 a.m..

NOMINATIONS

Executive nominations received by the Senate July 29, 1996:

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

LETITIA CHAMBERS, OF OKLAHOMA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2000, VICE ROY M. HUHNDORF, RESIGNED.

NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD

ANTHONY R. SARMIENTO, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 22, 1998, VICE BENITA C. SOMERFIELD, TERM EXPIRED.

NATIONAL SCIENCE FOUNDATION

JOHN A. ARMSTRONG, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002, VICE THOMAS B. DAY, TERM EXPIRED.

M.R.C. GREENWOOD OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002, VICE PERRY L. ADKISSON, TERM EXPIRED.

STANLEY VINCENT JASKOLSKI, OF OHIO, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002, VICE JAMES JOHNSON DUDERSTADT, TERM EXPIRED.

VERA C. RUBIN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002, VICE BERNARD F. BURKE, TERM EXPIRED.

BOB H. SUZUKI, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002, VICE JAIME OAXACA, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING INDIVIDUAL FOR APPOINTMENT AS A PERMANENT REGULAR COMMISSIONED OFFICER IN THE U.S. COAST GUARD IN THE GRADE OF LIEUTENANT COMMANDER.

LAURA H. GUTH

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10 UNITED STATES CODE, SECTIONS 8374, 12201, 12204, AND 12212:

To be brigadier general

BRIG. GEN. DWIGHT M. KEALOHA, USAF (RETIRED), xxx-...
AIR NATIONAL GUARD.

THE FOLLOWING OFFICERS, WHO WERE DISTINGUISHED GRADUATES FROM THE UNITED STATES AIR FORCE OFFICER TRAINING SCHOOL, FOR APPOINTMENT AS SECOND LIEUTENANTS IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF SECTION 531 OF TITLE 10, UNITED STATES CODE WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE

MICHAEL P. ALLISON xxx-xx-x...
JOSEPH K. GALLAHAN, JR. xxx-xx-x...
DANIEL D. GRADY xxx-xx-x...
JAMES C. HALL xxx-xx-x...
DANIEL N. HARVALA xxx-xx-x...
SANDRA L. HIGGINS xxx-xx-x...
MARK T. HOWARD xxx-xx-x...
CHERYL A. LUTES xxx-xx-x...
MICHAEL S. NEWSOM xxx-xx-x...
FRANK B. SCHREIBER xxx-xx-x...
MICHAEL A. SINKS xxx-xx-x...
JOHN P. SMAIL xxx-xx-x...

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICERS ON THE ACTIVE-DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. MARINE CORPS IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITES STATES CODE:

To be lieutenant colonel

ROBERT E. CARNEY xxx-xx-x...

to be major

AURELIO GARCIA III xxx-xx-x...
JOHN T. HORNEY xxx-xx-x...
FRANK A. RICHIE xxx-xx-x...
WILLIAM P. SCHULZ, JR. xxx-xx-x...

THE FOLLOWING-NAMED RESERVE OFFICERS FOR PROMOTION TO THE GRADE OF COLONEL IN THE U.S. MARINE CORPS RESERVE IN ACCORDANCE WITH SECTION 5912 OF TITLE 10, UNITED STATES CODE:

CRAIG T. BODDINGTON xxx-xx-x...
LAURA M. BULTEMEIER xxx-xx-x...
KEVIN J. BURDICK xxx-xx-x...
ALEJANDRO T. DEVORA, JR. xxx-xx-x...
RUSSEL L. DRYLIE xxx-xx-x...
ROBERT C. EIKENBERRY xxx-xx-x...
BRUCE J. ELLIOT xxx-xx-x...
CHRISTOPHER T. FRANKLIN xxx-xx-x...
DOUGLAS N. FRAZIER xxx-xx-x...
JOHN W. GEORGES xxx-xx-x...
MARK D. GRIM xxx-xx-x...

KATHERINE S. GUNTHER xxx-xx-x...
DANIEL K. HAGOOD xxx-xx-x
WILLIAM C. HAMERSTADT xxx-xx-x...
ROBERT W. HILLERY xxx-xx-x...
STANLEY C. HORTON xxx-xx-x...
ROBERT L. HUDON, JR. xxx-xx-x
MICHAEL G. JACKSON xxx-xx-x...
CONRAD F. MALLEK xxx-xx-x...
VINCENT F. MANNELLI xxx-xx-x...
FRANCIS L. MCDONALD xxx-xx-x...
MARK E. MOONEY xxx-xx-x...
JOSEPH N. MUELLER xxx-xx-x...
KATHLEEN Z. POWERS xxx-xx-x...
GEORGE S. PRIEST xxx-xx-x...
EDWARD C. SCHROEDER xxx-xx-x...
PRESTON E. SIMMS xxx-xx-x...
BARRY J. STATIA xxx-xx-x...
JOSEPH J. VACCARO xxx-xx-x...
STEVEN K. VANDOREN xxx-xx-x
WILLIAM C. WALKER, JR. xxx-xx-x...
DONALD L. WEISS xxx-xx-xx...
HARRT T. WILLIAMS xxx-xx-x...
FREDERICK B. WITESMAN III xxx-xx-x...

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE U.S. AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

CHAPLAIN

to be major

JOHN W. BAKER xxx-xx-x...
LONNIE B. BARKER xxx-xx-x...
ALFRED W. BRIDGEMAN xxx-xx-x...
WILLIAM D. CANNON xxx-xx-x...
ROBERT C. COLLINS xxx-xx-...
CHARLES N. DAVIDSON xxx-xx-x...
LAWRENCE G. GOSSELIN xxx-xx-x...
LAWRENCE W. HENDON xxx-xx-x...
GERALD S. HENRY xxx-xx-x...
STEPHEN E. JESELNUK xxx-xx-xx...
PETER S. LAMBERT xxx-xx-...
JOSEPH D. LIM xxx-xx-x...
HARRY P. MATHIS, III xxx-xx-xx...
LISA ANNE PINEAU xxx-xx-x...
TIMOTHY M. STURGILL xxx-xx-x...
GARY E. UNDERWOOD xxx-xx-x...
RONALD UNDERWOOD xxx-xx-x...
JOSEPH P.M. VU xxx-xx-x...
MICHAEL J. WEBER xxx-xx-x...
DAVID E. WILSHER xxx-xx-x...

MEDICAL SERVICE CORPS

To be major

LINDA M. ADAMS xxx-xx-...
WILLIAM A. ALTLAND xxx-xx-x...
JAMES R. BAXTER xxx-xx-x...
DENNIS L. BEATTY xxx-xx-xxxx
PETER G. BREWER xxx-xx-x...
GARY D. BUTTON xxx-xx-x...
RENEE M. CAREY xxx-xx-x...
BILLY P. CECIL II xxx-xx-x...
CARY A. COLLINS xxx-xx-x...
MAUREEN J. COUNTER xxx-xx-...
BRIAN J. CRAMER xxx-xx-x...
MARIO V. DESANCTIS xxx-xx-x...
LINDA LEE EATON xxx-xx-...
BARRY W. EVANS xxx-xx-x...
KENNETH R. FRANKLIN xxx-xx-x...
PATRICIA A. GRAULTY xxx-xx-x...
RICHARD F. HART xxx-xx-...
LYNDA L. HERNANDEZ xxx-xx-x...
BRADLEY P. HERREMANS xxx-xx-x...
STEPHEN C. HILL xxx-xx-x...
DANIEL J. HUNT xxx-xx-x...
ROBERT B. JORDAN xxx-xx-x...
WILLIAM J. KORMOS, JR. xxx-xx-x...
MARK LEWANDOWSKI xxx-xx-x...
PAUL F. MARTIN xxx-xx-x...
JOANNE P. MCPHERSON xxx-xx-x...
LAWRENCE J. MELLON xxx-xx-x...
MICHAEL E. MENNING xxx-xx-x...
MARK MURDOCK xxx-xx-x...
MARK L. MURPHY xxx-xx-x...
RICHARD W. OWEN xxx-xx-x...
ROGER B. PRICE xxx-xx-x...
WILLIAM G. PUCKETT xxx-xx-x...
G.D. REICHARD xxx-xx-x...
KEVIN F. RILEY xxx-xx-x...
ROBERT G. RITTER xxx-xx-x...
SALVATORE RUSSO xxx-xx-x...
MICHAEL R. SKIDMORE xxx-xx-x...
LYNDSAY A. STAUFFER xxx-xx-x...
GREGORY A. STEWART xxx-xx-x...
*THERESA C. TILLOCK xxx-xx-x...
DONALD R. TURCO xxx-xx-x...
MARK A. VOJTECKY xxx-xx-x...
JAMES R. WHITTON xxx-xx-x...
BRIAN K. WITT xxx-xx-...
LAURIE L. YANKOSKY xxx-xx-x...

EXTENSIONS OF REMARKS

NEW REPORT PROVES CHARGES AGAINST AMERICAN HELD IN INDIA ARE FALSE

HON. PHILIP M. CRANE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1996

Mr. CRANE. Mr. Speaker, a report issued earlier this month by the Human Rights Wing—Shiromani Akali Dal—proves that the charges filed against Balbir Singh Dhillon are false. Mr. Dhillon is the 43-year-old American citizen who was arrested about a month ago while visiting Sikh temples and his family village in Punjab, Khalistan. I am inserting a copy of the Human Rights Wing report into the RECORD.

In the report, the Human Rights Wing states:

The HRW investigation team is satisfied that Balbir Singh is innocent and all charges against him should be dropped immediately. He should be allowed to return to his country. The HRW is satisfied that the Punjab Police wants to keep the spectre of Sikh militancy alive so that it can continue to enjoy the extraconstitutional powers vested with it.

According to the report, a police party led by the local chief visited Mr. Dhillon's native village of Salala on May 17 and inquired about Balbir Singh Dhillon. He had recently returned from a visit to Gudwaras in Pakistan. On May 18 Mr. Dhillion went to the police station with his father and the local MLA, state legislator, and the police chief told him that there were no charges against him and he should go home. The chief also denied having visited Salala. On May 20 Mr. Dhillion was arrested and charged with carrying RDX explosives and plotting to kill Sikh political leaders. He was forced to sign blank papers. He was not allowed to talk to his family.

The political leaders Mr. Dhillon was charged with plotting to assassinate are affiliated with the Akali Dal, the largest Sikh political party. The Human Rights Wing is also affiliated with the Akali Dal. The Human Rights Wing is also the organization of Jaswat Singh Khalra, who was kidnapped by the Punjab police on September 6. His whereabouts remain unknown.

These actions prove that even under the new regime, India is not the democracy that it claims to be, but an authoritarian police state described by Indian Journalist Rajinder Puri of the Times of India as "a rotten, corrupt, repressive, and anti-people system." The recent report from India's Central Bureau of Investigation confirming the mass cremations of Sikh in Punjab, Khalistan supports this also. This policy was described by the Indian Supreme Court as worse than a genocide.

The United States cannot allow this to happen to an American citizen. I call upon Secretary of State Christopher and Ambassador Frank Wisner to intervene with the Indian regime to see to it that Mr. Dhillon is released immediately. If India is not willing to release him, then we should impose tough sanctions on this tyrannical regime. America cannot stand idly by while an American citizen has his rights violated on the basis of trumped-up accusations. We must do everything to secure freedom for this American citizen as soon as possible so that Balbir Singh Dhillon can return to his wife and children.

ARREST OF BALBIR SINGH DHILLON

The Panjab Police issued a press release to the newspapers on 22nd May, 1996, about the arrest of Mr. Balbir Singh Dhillon. Mr. Dinkar Gupta SSP Jalandhar, claimed that Mr. Balbir Singh a U.S. Citizen, who was visiting India, was apprehended at a Police 'Naka' near his native village Salala, on the outskirts of Jalandhar. Mr. Balbir Singh was allegedly carrying one kilo of black RDX in his car. Family sources and friends of Mr. Balbir Singh refuted the police version, and approached the Human Rights Wing to investigate the matter. A 3 member team of the Human Rights Wing consisting of Mr. Harshinder Singh (Advocate), Mr. Amrik Singh and Mr. Jaspal Singh, visited Jalandhar, and apart from Mr. Balbir Singh, also met, other persons concerned with this case. The report is as follows:

Mr. Balbir Singh Dhillon, aged 44 years, married, father of two, immigrated to the U.S.A. in 1980. Mr. Dhillon is engineer by profession. He is an active member of youth of America, and is the treasurer of the organization. Youth of America is one of the representative organisation of the Sikhs in the U.S.A. It is a democratic and peaceful organisation, advocates the creation of Khalistan, and every year organises rallies and demonstrations before the Indian Embassy and U.N. Headquarters during the operation "Blue Star" week and visits by Indian dignitries.

Mr. Balbir Singh and his father Mr. Dilbagh Singh arrived in India on the 4th of April '96, to visit their relatives, friends and their native village. On 8th April, '96, Mr. Balbir Singh joined the Sikh pilgrims going to Pakistan to visit the historical gurudwaras on the occassion of Baisakhi. The "Jatha" of pilgrims returned to India on the 18th April, 96.

On 22nd April, 96 Balbir Singh went off to visit other historical gurudwaras in India, Nanded (Maharashtra) and in U.P. etc., he also used this opportunity to visit tourist sites. Mr. Balbir Singh returned home on the 16th May, 96.

On 17th May, 96 a police party headed by DSP Rajinder Singh (Jalandhar) and SHO Bhogpur visited village Salala and made enquires about Mr. Balbir Singh from the villagers. On learning about these enquiries being made Mr. Balbir Singh, his father Mr. Dilbagh Singh accompanied by Mr. Amarjeet Singh Samra, MLA (Nakodar) went to DSP Rajinder Singh's Office on 18th May, 96. D.S.P. Rajinder Singh told them that there was nothing against Mr. Balbir Singh and he should not worry at all and should go home, however to be doubly sure he would check with the department and Mr. Balbir Singh should check with him, again, the next day. The D.S.P. completely denied having visited Salala village and making any enquiries. On 19th May, 96 about 5:30 p.m. Mr. Balbir Singh drove down to the DSP's office in his car to meet the D.S.P. He was asked to wait outside, Mr. Balbir Singh sat in his car. At about 7:30 p.m. the D.S.P. came out and asked Mr. Balbir Singh to accompany him. They drove down to the SSP Mr. Dinkar Gupta's office in the police jeep. While Mr. Balbir Singh was made to wait outside, DSP Rajinder Singh met with the SSP for half an hour. Emerging from the SSP's office DSP Rajinder Singh asked Mr. Balbir Singh to come with him. They drove down to the Sadar Police Station within the city where Mr. Balbir Singh was told that he was being arrested. He was not informed of the charges against him. The time was about 9:00 p.m. Mr. Balbir Singh managed to have a telephone message sent to advocate Hardayal Singh, a relative, at village Garha. At about 11:00 p.m. advocate Hardayal Singh and Mr. Puran Singh came to the Sadar Police Station and met Balbir Singh. They left after assuring them that they would return in the morning. They were back at 6:00 a.m. on 20th May, 96 and arranged for some tea etc. for Balbir Singh, as no senior officers would be available at this early hour they left promising to come back around 9:00 a.m., they were informed that Balbir Singh had been shifted to the C.I.A. staff office for interrogation.

At the C.I.A. staff he was interrogated by D.S.F. Rajinder Singh and several other officers whom he was unable to identify. He was asked to provide information about any militants he knew, or help in recovering arms and also about the motive of his visit to Pakistan. Balbir Singh denied any contact or knowledge about militants. He also told them that if he had any covert intentions for visiting Pakistan he would not have gone so openly nor returned to India. During his interrogation Balbir Singh was man handled and beaten. He was forced to make a written statement that he was allowed to return home on the 19th May, 96 night after being questioned. He was also forced to append his signature on some blank papers by DSP Rajinder Singh. He was then handed over to the Adampur Police Station, and charged with carrying one kilo of black RDX in his car, and booked under section 3/4 official secret Act 1923. (Provide information of defense and other vital information to Pakistan) 4/5 Explosives Act (RDX) 25/54/59 Arm Act and 120–B I.P.C.

While in Jalandhar, Balbir Singh met Bhai Jasbir Singh Rode former Jathedar of the Akal Thakt, and handed over some clothes sent by his relatives in the USA. Bhai Jasbir Singh Rode told the HRW team that the Jalandhar Police questioned him about his meeting with Balbir Singh. Bhai Jasbir Singh admitted that Balbir Singh had come to meet him but do not know him from before. Balbir Singh has also asked Bhai Jasbir Singh to introduce and arrange meetings with Bhai Manjit Singh and Mr. Simranjeet Singh Mann. He told Balbir Singh that it would not be possible to meet these leaders as they were busy with the Lok Sabha election results just out.

From the time of his interrogation at the C.I.A. staff till his production before the duty magistrate at Jalandhar on 21st May, 96. Balbir Singh was not allowed to meet any relative or lawyer, nor informed about the reasons of his arrest or charges leveled against him. The magistrate remanded Balbir Singh to Police Custody till May 22nd '96. On 22nd May '96 when he was again produced in court Balbir Singh was able to meet his father and relatives. The police remand was extended 'til 26th May '96. On 26th May 96 Balbir Singh was sent to Jalandhar jail under judicial custody. A UNI date lined story from Jalandhr of 25th May 96, quoting police interrogation reports that Balbir Singh was part of a larger militant conspiracy to indulge in disruptive activity and also to eliminate moderate Akali leaders.

The HRW investigation team is satisfied that Balbir Singh is innocent and all charges against him be dropped immediately. He should be allowed to return to his country.

The HRW is satisfied that the Panjab Police wants to keep the spectre of Sikh militancy alive so that it can continue to enjoy the extra constitutional powers vested with it.

The Police force also would like the community to stay divided, and so. The continuous uncovering of plots, of militants out to assassinate Akali Leaders. For a rallying together of all sections of Sikhs is seen as a development that would culminate in a drastic reduction of extra constitutional powers.

HARSHINDER SINGH
Advocate
AMRIK SINGH
Vice Chairman
J.S. DHILLON
Chairman

HONORING JACK BRAS

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1996

Mr. BAKER of California. Mr. President, in an age in which heroism and human dignity sometimes seem like notions from a bygone era, we need to be reminded of what personal character and long-term commitment mean. It is the men and women who each day obey the law, work hard, raise children, and contribute to their communities who are the true heroes of American life.

Jack Bras is such a person. Born in 1929 in Okemah, OK, young Jimmie Jack Bras moved with his family to California at the age of 7 and went on to graduate from the University of California at Berkeley in 1952 with a degree in architecture. He served his country in the Army and then married his wife, Flo, in 1959.

In 1964, he opened his own architectural firm in Pleasanton, CA, in the heart of the San Francisco region's east bay area. Since then, he has planned and remodeled literally scores of facilities, from banks and firestations to professional buildings and private homes. One cannot travel around the east bay without seeing the outstanding architecture of Jack Bras.

In addition, Jack has been active in a wide range of civic activities, including the Pleasanton Chamber of Commerce, the Valley Memorial Hospital Board, and the United Way. In many of these positions, he has served as chairman, president, or board member. And he has always served with the public interest in mind.

Jack and Flo have raised their family and conducted their business in a way that has brought credit not just to them, but to the greatest east bay community. As Jack prepares to retire as he nears his 67th birthday, I wanted to take this opportunity to recognize him in the CONGRESSIONAL RECORD. Unsung heroes deserve their own songs, and today I am proud to join in the chorus of my constituents who are celebrating Jack's life and friendship. I wish Jack and Flo every good thing in all the days ahead, and am pleased to salute them for all they have done to make the east bay the wonderful place it is.

INDIA CONFIRMS MASS CREMATIONS OF SIKHS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1996

Mr. BURTON of Indiana. Mr. Speaker, once again India's genocide against the Sikhs has been exposed. Just Monday, July 22, India's Central Bureau of Investigation [CBI] told the Supreme Court that it had confirmed that "bodies tagged as 'unidentified' by Punjab Police had been disposed of surreptitiously during 1990–95," according to the India Express of July 23.

The CBI told the court that it had prima facie evidence of almost 1,000 cremations by the police, and its investigation is ongoing. However, police officials are making it very difficult for the CBI to get information. The court said that if this behavior continues, it will constitute contempt of court. According to human rights activist Jaswant Singh Khalra, who first exposed the mass cremations, over 25,000 young Sikh men have disappeared and subsequently been cremated by the police.

Mr. Speaker, these are very significant admissions by the Indian regime. An agency of the Indian Government is admitting that the police were involved in the murder of Mr. Khalra, that the mass cremation scheme is ongoing, and that police officials are trying to cover up these atrocities by burying the information. The justices of the Supreme Court labeled these acts "worse than a genocide." They said that "we shudder to think that such a thing could happen in a democracy."

These events prove not only that India is a long way from being a real democracy, but that it could even be branded an authoritarian police state which commits acts of genocide against the diverse peoples living under its rule. Is it any wonder that so many of them are struggling to free themselves from this brutal regime? I urge my colleagues to consider carefully whether this is the kind of country we should be propping up with hard-earned dollars of the American taxpayers.

I thank Dr. Gurmit Singh Aulakh, president of the Council of Khalistan, for bringing this report to my attention. As you know, Dr. Aulakh and his organization have worked for several years to secure freedom for Khalistan, the Sikh homeland which declared its independence on October 7, 1987. The case of the cremations, as well as the beating of a Sikh leader in the Delhi airport, and the continuing detention of an American citizen on what have now been proven to be false charges, show why this struggle is vital to the survival of Sikhs and others in the South Asian subcontinent. The Council of Khalistan has issued a press release on this story, and I would like to place this in the CONGRESSIONAL RECORD. It is time to end the oppression in India.

[From the Indian Express, July 23, 1996]

COPS CREMATED 1,000 AS UNIDENTIFIED

NEW DELHI, July 22.—The Supreme Court was today told by the CBI that it had found enough material and evidence to show that as many as 1,000 bodies tagged as "unidentified" by the Punjab Police had been disposed of surreptitiously during 1990–95.

A 74-page preliminary report submitted by the CBI to a division bench comprising Justice Kuldip Singh and Justice Saghir Ahmed has stated that on the basis of the material collected during the probe ordered by the court, it had prima facie found that a total of 984 bodies had been cremated by the police on the ground that they were "laawaris" (unidentified).

Expressing their "horror and shock" at the finding the judges in a brief order directed the CBI to continue its inquiry into the matter and issue a general direction to the public authorities or government officers to hand over any information regarding the issue to the CBI.

The court ordered the DIG (Border) Punjab Police, B.S. Sandhu to hand over all relevant records regarding the cremation of bodies of unidentified persons to the CBI without any further delay. The direction came after the additional solicitor general K.T.S. Tulsi told the court that there was some delay in those records being handed over to the CBI.

The court warned that any further delay in handing over the records to the CBI by Sandhu would amount to violation of its orders and would attract contempt of court.

The judges observed that this incident of disposal of bodies of unidentified persons was "worst than a genocide."

"We shudder to think of such a thing happening in a democracy," the judges said.

Adjourning the hearing in the matter to October 7 to enable the CBI to submit its final report the judges asked the CBI to speed up the probe.

In another report the CBI told the court that it had investigated into the murder of a human rights activist Jaswant Singh Khalra and had found several policemen were involved in the case.

It sought the court's permission also to file three separate cases in the killings of three other persons by Punjab policemen.

"WORSE THAN A GENOCIDE," SAYS INDIAN SUPREME COURT

WASHINGTON, DC, July 24.—According to a report in yesterday's Indian Express, India's Central Bureau of Investigation (CBI) today admitted in court that it had amassed evidence that "bodies tagged as 'unidentified' by the Punjab Police had been disposed of surreptitiously." In a 74-page preliminary report on its ongoing investigation, CBI admitted that it had "prima facie found that a total of 984 bodies had been cremated by the police" after being labelled "unidentified."

The Court ordered local police chiefs to turn over any information they have on the subject to CBI. The justices warned that any further delay in turning over these records would be considered contempt of court.

On September 6, 1995, Jaswant Singh Khalra, General Secretary of the Human Rights Wing (Shiromani Akali Dal), was kidnapped by the Punjab Police after publishing a report showing that over 25,000 young Sikhs had been abducted by the regime, tortured, killed, then declared "unidentified" and cremated. After the report was published, the police chief of the Tarn Taran district told Mr. Khalra, "We made 25,000 disappear. It would not be hard to make one more disappear." The CBI reported to the court that Mr. Khalra was murdered in custody, and that it "had found several policemen were involved in the case," according to Indian Express.

Calling these cremations "worse than a genocide," the justices also stated that "We shudder to think of such a thing happening in a democracy."

"This is a major admission by the Indian regime," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "The CBI report has begun to lift the veil that has hidden the truth from the outside world," he said. "Finally they have conceded that the police have undertaken mass cremation of Sikhs. This clearly demonstrates that India is not the democracy is claims to be, but a tyranny that is running a campaign of ethnic cleansing against Sikhs and others."

"This is just one more piece of evidence that there is no place for Sikhs in an Indian 'democracy' that has murdered over 150,000 Sikhs since 1984," Dr. Aulakh said. "Only by liberating Khalistan from this reign of terror will we secure the blessings of liberty for the Sikh Nation," he said. Khalistan is the independent Sikh country declared on October 7, 1987. The Council of Khalistan, as its government in exile, leads the peaceful, democratic, nonviolent struggle for an independent Khalistan. "It is time for Sikhs to claim their right to be free," Dr. Aulakh said.

THE WEST INDIAN CELEBRATION

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 29, 1996

Mrs. KENNELLY. Mr. Speaker, I rise today to acknowledge the achievements of the Connecticut West Indian community as they celebrate the independence of nations throughout the Caribbean.

The centuries, the West Indies received immigrants and settlers from every area of the world. These varied influences have mixed throughout the years to create a uniquely diverse cultural heritage. Once dominated by colonial powers, the people of the Caribbean islands have gained their independence, starting with Jamaica in 1962 and culminating with Nevis in 1983.

Celebration '96, enthusiastically supported and participated in by Connecticut residents, will be held from July 25 through August 3. The celebration is a yearly gala to promote and interpret Caribbean culture in the Northeast region, as well as to highlight and showcase the unity and cooperation among the Caribbean people.

West Indian Celebration '96, is led by the West Indian Celebration Committee, which is comprised of Marva Douglas, Mark Bailey, Anastasia Couloute, Barbara Diggs, and Egan Bovell. Special thanks also go to members of the activities committee: Joann Gibson, Neville Smith, La'mour Howell, Veronica Airey-Wilson, Olive James, Dennick Miller, Brenda Chester, Errol Smith, Dee Flowers, Keith Carr Sr., Martin Nelson, and to the West Indian Social Club of Hartford, Inc., the Caribbean American Society of Hartford, Inc., the Jamaica Progressive League, Inc., the Trinidad and Tobago American Society, the St. Lucia American Society of Hartford, Inc., the Sportsmen's Athletic Club of Hartford, Inc., the Caribbean Ladies Cultural Club of Hartford, Inc., the Guyanese American Cultural Association of Hartford, Inc., the Barbados American Society of Hartford, Inc., and the Connecticut Haitians American Society.

I would like to congratulate the United States' second largest West Indian community for not only their achievements, but their positive community presence and involvement. I encourage them to continue to celebrate their heritage that enriches the lives of all Americans.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 30, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 31

9:30 a.m.
Labor and Human Resources
Business meeting, to mark up S. 1490, to improve enforcement of Title I of the Employee Retirement Income Security Act of 1974 and benefit security for participants by adding certain provisions with respect to the auditing of employee benefit plans.
SD-430

Select on Intelligence
To hold hearings to examine terrorism in the United States.
SH-216

9:45 a.m.
Armed Services
Closed business meeting, to consider certain pending military nominations.
SR-222

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on provisions of H.R. 361, to provide authority to control exports.
SD-538

Governmental Affairs
To hold hearings on S. 1724, to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies.
SD-342

Judiciary
To hold hearings to examine the incidents of drug smuggling at U.S. borders.
SD-226

11:45 a.m.
Armed Services
To hold hearings on the nomination of Lt. Gen. Howell M. Estes III, USAF, for appointment to the grade of General and to be Commander-in-Chief, United States Space Command/Commander-in-Chief, North American Aerospace Defense Command.
SR-222

1:30 p.m.
Armed Services
To hold hearings on the nomination of Adm. Jay L. Johnson, USN, for reappointment to the grade of Admiral and to be Chief of Naval Operations.
SR-222

2:00 p.m.
Foreign Relations
African Affairs Subcommittee
To hold hearings on food security issues in Africa.
SD-419

Judiciary
To hold hearings on pending nominations.
SD-226

3:30 p.m.
Armed Services
Closed business meeting, to consider certain pending military nominations.
SR-222

AUGUST 1

9:00 a.m.
Energy and Natural Resources
Oversight and Investigations Subcommittee
To hold oversight hearings to review the propriety of a commercial lease issued by the Bureau of Land Management and Lake Havasu, Arizona, including its consistency with the Federal Land Policy and Management Act and Department of the Interior land use policies.
SD-366

10:00 a.m.
Armed Services
To hold hearings to examine current U.S. participation in the NATO Implementation Force Mission in Bosnia.
SR-222

Foreign Relations
To hold hearings to review foreign policy issues.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:00 p.m.
Appropriations
Business meeting, to mark up H.R. 3814, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1997.
SD–192
Commerce, Science, and Transportation
To hold hearings on aviation security issues.
SR–253
Energy and Natural Resources
To hold oversight hearings on the implementation of Section 2001, Emergency Timber Salvage, of Public Law 104-19.
SD–366

AUGUST 2

9:30 a.m.
Joint Economic
To hold hearings to examine the employment-unemployment situation for July.
SD–106
10:00 a.m.
Judiciary
To resume hearings to examine the dissemination of Federal Bureau of Investigation background investigation reports and other information to the White House.
SD–226

SEPTEMBER 4

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1678, to abolish the Department of Energy.
SD–366

SEPTEMBER 5

2:00 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 931, to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, S. 1564, to authorize the Secretary of the Interior to provide loan guarantees for water supply, conservation, quality and transmission projects, S. 1565, to supplement the Small Reclamation Projects Act of 1956 and to supplement the Federal Reclamation laws by providing for Federal cooperation in non-Federal projects and for participation by non-Federal agencies in Federal projects, S. 1649, to extend contracts between the Bureau of Reclamation and irrigation districts in Kansas and Nebraska, S. 1719, Texas Reclamation Projects Indebtedness Purchase Act, and S.1921, to transfer certain facilities at the Minidoka project to Burley Irrigation District.
SD–366

SEPTEMBER 11

10:00 a.m.
Judiciary
To hold hearings to examine competition in the telecommunications industry.
SD–226

SEPTEMBER 17

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion. 334 Cannon Building

POSTPONEMENTS

JULY 30

10:00 a.m.
Foreign Relations
To hold hearings on the nominations of Pete Peterson, of Florida, to be Ambassador to the Socialist Republic of Vietnam, Genta Hawkins Holmes, of California, to be Ambassador to Australia, Arma Jane Karaer, of Virginia, to be Ambassador to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador to Solomon Islands, and as Ambassador to the Republic of Vanuatu, and John Stern Wolf, of Maryland, for the rank of Ambassador during his tenure of service as U.S. Coordinator for Asia Pacific Economic Cooperation.
SD–419

JULY 31

9:30 a.m.
Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on the Intermodal Surface Transportation Efficiency Act and the role of Federal, State, and local governments in surface transportation.
SD–406